

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY Z. LYON)	CASE NO. 2:08-CV-00464
)	
Plaintiffs,)	JUDGE GREGORY L. FROST
)	
vs.)	MAJ. JUDGE NORA McCANN KING
)	
YELLOW TRANSPORTATION, INC., et al.)	
)	
Defendants.)	
)	

DEFENDANT UNION'S MOTION AND NOTICE OF MOTION
TO PLAINTIFF FOR SANCTIONS

To: Phillip L.. Harmon, Esq. (0033371)
6649 North High Street, Suite 105
Worthington, Ohio 43085

Attorney for Plaintiff

PLEASE TAKE NOTICE that twenty-one (21) days after service of this Notice, or as soon thereafter as counsel can be heard by the Court, Defendants Teamsters Local Union No. 413 ("Local 413") will move this honorable Court, the United States District Court, Southern District of Ohio, Eastern Division, Judge Gregory L. Frost and Magistrate Nora McCann King presiding, for an order imposing such monetary and other sanctions as may be appropriate against Phillip L. Harmon, Esq., his law firm and Plaintiff Gary Z. Lyon Federal Rule of Civil Procedure 11(b), 28 U.S.C. § 1927 and the inherent power of the Court, as applicable. This motion will be made on the following grounds:

1. On May 13, 2008 the Plaintiff by and through the above-named attorney and law firms ("Plaintiff's Counsel") filed a written complaint (ECF Doc. 1) ("Complaint")

in the United States District Court for the Southern District of Ohio, Eastern Division in this matter. Defendant Local 413 was required to answer the Complaint and did so on June 30, 2008. (ECF Doc. No. 15).

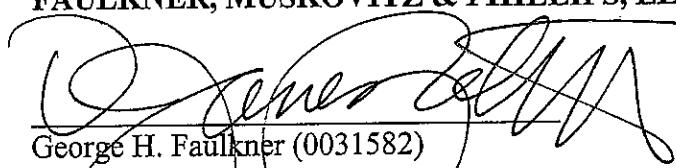
2. On July 18, 2008, Defendant therefore served the foregoing Motion and Notice of Motion to Plaintiff for Sanctions Under Rule 11 28 U.S.C. § 1927, arguing *inter alia*, that said Complaint was frivolous and otherwise impermissible under the Federal Rules of Civil Procedure.
6. Said Plaintiff's Counsel, by or on behalf of their client, have together with Plaintiff violated and continue to violate Fed. R. Civ. P. 11 and 28 U.S.C. 1927 and the inherent power of the Court, in that:
 - a) said Complaint was presented for the improper purpose of harassing Movant, causing unnecessary delay of litigation, or causing needless increase in the cost of litigation, and
 - b) as discussed in the attached Memorandum in Support, which is incorporated herein by reference, said Complaint contains basic factual and legal contentions which were not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law, and
 - c) said Complaint contains claims and contentions, as specified and summarized below in the attached Memorandum of Law incorporated herein by reference, which did not, and do not have evidentiary support, nor were they likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

- d) The factual contentions made by or on behalf of Defendants, as summarized below, were not reasonably based on a lack of information or belief.
- e) The action is frivolous, vexatious and needlessly multiplies proceedings.

7. Said offending Complaint has not been withdrawn or appropriately corrected, even though this Motion and Notice of Motion was served on Plaintiff and Plaintiff's Counsel on July 18, 2008, which is more than 21 days before the filing of this Motion with the Court.

Respectfully submitted,

FAULKNER, MUSKOVITZ & PHILLIPS, LLP, by



George H. Faulkner (0031582)
Joseph C. Hoffman, Jr. (0056060)
D. James Petroff (0042476)
Faulkner, Muskovitz & Phillips, LLP
820 West Superior Avenue, Ninth Floor
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Email: petroff@fmplaw.com

Attorneys for Defendant Local 407 and IBT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANT UNION'S MOTION AND NOTICE OF MOTION TO PLAINTIFF FOR SANCTIONS was served this 18th day of July 2008 by U.P.S. Next Day Delivery to Plaintiff's attorney Phillip L. Harmon, Esq., 6649 North High Street, Suite 105, Worthington, Ohio 43085 as Attorney for Plaintiff, and by regular U.S. Mail to Defendant Yellow's attorney Carl Gluek, Esq., Frantz Ward, LLP, 2500 Key Tower, 127 Public Square, Cleveland, Ohio 44114.



D. James Petroff (0042476)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY Z. LYON)	CASE NO. 2:08-CV-00464
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Plaintiffs,)	JUDGE GREGORY L. FROST
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vs.)	MAJ. JUDGE NORA McCANN KING
)	
YELLOW TRANSPORTATION, INC., et al.)	
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Defendants.)	
)	

**MEMORANDUM IN SUPPORT OF DEFENDANT UNION'S
MOTION AND NOTICE OF MOTION TO PLAINTIFF FOR SANCTIONS**

A. DEFENDANTS' SPECIFICATION OF PLAINTIFF'S OFFENDING CONTENTIONS

Plaintiff's Complaint contains several baseless averments which include:

1. Complaint Paragraphs 11 and 13:

Plaintiff Lyon contends that under the collective bargaining agreements: (i) successful bidder Mr. D.S. Miller did not qualify for medical reasons to temporarily transfer from city to road seniority board on November 16, 1995; (ii) Miller became physically qualified and thus was required to return to the city seniority board between November 16, 1995 and August 1, 2007; or (iii) Miller voluntarily transferred from city to road seniority board but never spent one year and a day at the bottom of the road seniority board before exercising seniority rights over other road drivers. For any and all of those reasons, Plaintiff contends that Mr. Miller did not have road seniority over Lyon and was thus not eligible to take the Atlanta bid in front of Lyon.

B. ARGUMENT OF LAW FOR SANCTIONS

1. General Sanctions Standards

Rule 11 of the Federal Rules of Civil Procedure, as amended, states in pertinent part:

Rule 11. Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions

(a) Signature.

Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of attorney or party.

(b) Representations to Court.

By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,--

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) Sanctions.

If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate

sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(1) How Initiated.

(A) By Motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 5, but shall not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

Federal court sanctions for attorneys are proscribed as well by 28 U.S.C. § 1927, which provides:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

To determine whether conduct violates Rule 11, the Sixth Circuit has held that "the test for imposition of Rule 11 sanctions is whether the attorney's conduct was reasonable under the circumstances." *Ridder v. City of Springfield*, 109 F.3d 288, 293 (6th Cir. 1997). See FED. R. Civ. P. 11 advisory committee notes, 79. Good faith is no defense. Fed. R. Civ. P. 11 advisory committee notes, 81; *Tahfs v. Proctor*, 316 F.3d 584, 594 (6th Cir. 2003). See *Elsman v. Standard Fed. Bank*, 238 F.Supp.2d 903, 908 (E.D.Mich.2003) (stating Rule 11 seeks "to deter baseless filings"). In other words, Rule 11 is intended to deter a "litigation strategy" of "press forward at all costs." *B & H Med., LLC v. ABP Admin., Inc.*, 354 F.Supp.2d 746, 750 (E.D.Mich.2005); *Rasmussen v. Fleetwood Enterprises, Inc.* 2007 WL 1106138, at 9 (E.D. Mich. 2007).

In order to determine whether to impose sanctions under Rule 11, the Court examines whether the attorney's conduct was objectively reasonable under the circumstances. *Jackson v. Law Firm of O'Hara, Ruberg, Osborne and Taylor*, 875 F.2d 1224, 1229 (6th Cir.1989). The Court has broad discretion in determining when a sanction is warranted and what sanction is appropriate. See *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 404, 110 S.Ct. 2447, 110 L.Ed.2d 359 (1990). Rule 11 generally requires that an attorney conduct a reasonable inquiry into the relevant law and facts before he or she signs pleadings, motions, or other documents, and the Rule allows sanctions for violations of these obligations. See Fed. R.Civ. P. 11(a)-(c).

In contrast, § 1927 sanctions are warranted when an attorney objectively "falls short of the obligations owed by a member of the bar to the court and which, as a result, causes additional expense to the opposing party." *Ruben v. Warren City Sch.*, 825 F.2d 977, 984 (6th Cir. 1987). The purpose is to deter dilatory litigation practices and to punish aggressive tactics that far exceed zealous advocacy. See *Jones v. Continental Corp.*, 789 F.2d 1225, 1230-31 (6th Cir. 1986). A sanctioned attorney is thus required to personally satisfy the excess costs attributable to his misconduct. See *In re Ruben*, 825 F.2d 977, 983 (6th Cir. 1987).

Furthermore, *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766-67(1980), held that federal courts have the inherent power to assess attorney's fees against counsel who willfully abuse judicial processes or who otherwise act in bad faith. However, unlike sanctions imposed under a court's inherent authority, § 1927 sanctions require a showing of something less than subjective bad faith, but something more than negligence or incompetence. See *In Re Rubin*, 825 F.2d at 984; *Jones*, 789 F.2d at 1230 ("we hold that 28 U.S.C. § 1927 authorizes a court to assess fees against an attorney for 'unreasonable and vexatious' multiplication of litigation despite the absence of any conscious impropriety."). Thus, an attorney is sanctionable when he intentionally

abuses the judicial process or knowingly disregards the risk that his actions will needlessly multiply proceedings. *See United States v. Wallace*, 964 F.2d 1214, 1220 (D.C. Cir. 1992) (observing that recklessness is a lower standard than bad faith, requiring "deliberate action in the face of a known risk, the likelihood or impact of which the actor unexcusably [sic] underestimates or ignores.").

The Sixth Circuit Court of Appeals has stated that this standard is met "when an attorney knows or reasonably should know that a claim pursued is frivolous." *Tareco Props., Inc. v. Morriss*, 321 F.3d 545, 550 (6th Cir.2003). "Fees may be assessed without a finding of bad faith, 'at least when an attorney knows or reasonably should know that a claim pursued is frivolous, or that his or her litigation tactics will needlessly obstruct the litigation of nonfrivolous claims.'" *Ridder*, 109 F .3d at 297 (quoting *Jones v. Continental Corp.*, 789 F.2d 1225, 1230 (6th Cir.1986)). "[S]imple inadvertence or negligence that frustrates the trial judge will not support a sanction under section 1927. There must be some conduct on the part of the subject attorney that trial judges, applying the collective wisdom of their experience on the bench, could agree falls short of the obligations owed by a member of the bar to the court and which, as a result, causes additional expense to the opposing party." *Id.* (quoting *In re: Ruben*, 825 F.2d 977, 984 (6th Cir.1987), *cert. denied sub nom. Swan v. Ruben*, 485 U.S. 934 (1988)).

2. Duty of Fair Representation and Sanctions

In the Sixth Circuit, courts have repeatedly held in duty of fair representation cases that both the attorney and the litigant have a continuing obligation to review and re-evaluate their pleadings, motions, and other papers, and upon learning that these papers may be without merit, the appropriate course is to dismiss the action. Herron v. Jupiter Transp. Co., 858 F.3d 332, 336 (6th Cir. 1988); Costanzo v. Plain Dealer Publishing, 715 F. Supp 1380 (N.D. Ohio 1989) As

noted most recently in Kassab v. Aetna Industries, Inc., 54 Fed.Appx. 819, 823-824, 2002 WL 31870319 (6th Cir. 2002) (attached hereto as **Exhibit 1**), in order for a plaintiff to prevail against a union on a duty of fair representation claim:

...he must first prove a breach of the duty of fair representation. See Hines v. Anchor Motor Freight, Inc., 424 U.S. 554, 570-71, 96 S.Ct. 1048, 47 L.Ed.2d 231 (1976). "A breach of the statutory duty of fair representation occurs only when a union's conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith." Vaca v. Sipes, 386 U.S. 171, 190, 87 S.Ct. 903, 17 L.Ed.2d 842 (1967). "The relevant issue in assessing a Union's judgment is not whether it acted incorrectly, but whether it acted in bad faith." Anderson v. Ideal Basic Indust., 804 F.2d 950, 953 (6th Cir.1986). "[M]ere negligence or mistaken judgment is insufficient to establish a breach of the union's duty." Poole v. Budd Co., 706 F.2d 181, 183 (6th Cir.1983). Rather, a breach of duty may be established by a showing that the union "handle[d] a grievance in a 'perfunctory' manner, with caprice or without rational explanation." Ibid. ...

In affirming an award of sanctions under Rule 11, the *Kassab* court noted that plaintiff's attorney's "failure to understand the basic principles of labor law may have rendered filing the complaint and all subsequent motions sanctionable. It certainly rendered Becker's motion to sustain the action against Aetna alone after the dismissal of the UAW defendants sanctionable. In response to this baseless motion, Aetna was required to expend its legal resources to give Becker remedial lessons in labor law. The district court had a sound basis for awarding Rule 11 sanctions." Id. at 826.

3. Plaintiff's Seniority Claims Are Frivolous

Plaintiff's August 9, 2007 grievance attached to his Complaint as Exhibit 2 states:

I was unable to move on Change # MR-05-07/2007. Yellow Transportation is moving Mr. D.S. Miller to Atlanta, Ga. (ATL). Mr. D.S. Miller has no road seniority. He is working on the road because of a Local 413 medical agreement with his Local Cartage seniority [sic]. He is unable to take the Local Agreement to ATL. Copy of Local Seniority [sic] list and medical agreement is attached. Remedy – only road drivers with Road Senerity [sic] be

allowed to follow road work. All road work be offered to me with my road seniority[sic]. Road Seniority [sic] list also attached.

By virtue of Plaintiff's own documents attached to his Complaint it is patently clear that the foregoing grievance is frivolous. First, while Plaintiff claims in the grievance that D.S. Miller "has no road seniority" in fact his own Exhibit 2-2 reflects that D.S. Miller was number 51 on the Linehaul Road Seniority List as of July 27, 2007. The list itself reflects that Mr. Miller had a medical transfer date to the road list on November 16, 1995.

Second, in Plaintiff's Exhibit 7-2, the Columbus Joint Area Committee "Rules to Operate Local Cartage and Over-the-Road" Separate Seniority Boards expressly reflect the Columbus Seniority Practice in Section 3(A) through (D) that a medically transferred employee such as D.S. Miller can transfer from Local Cartage to the separate Over-the-Road Seniority Board so long as he is physically disabled. Clearly, the "year and a day" rule for employees on forced layoff, id. at Section 2(C) and on voluntary transfers, id. at Section 4(A) does not apply to pure medical transfers under Section 3(A) through (D), as it is nowhere mentioned there. Plaintiff knows this.

Third, while Plaintiff vacantly claims that D.S. Miller "is unable to take the Local Agreement to ATL" in his grievance, in reality the Change of Operations decision MR-CO-05-07/2007 attached as his own Exhibit 1-1 expressly states in Section 2 that bidding into a gaining location such as Atlanta shall be based upon "current bidding seniority." At the time, it is indisputable that Mr. D.S. Miller's current seniority was number 51 on the Over-the-Road Board by virtue of his medical transfer to that Board. This is apparent from Plaintiff's own exhibits.

Moreover, as Plaintiff knows, the Columbus Seniority Practice was respected by the Change of Operations Decision and indeed was expressly read into the record by Local 413 at the Change of Operations Hearing. It was expressly agreed to on the record by the employer's

representative. See Appendix A, Transcript of Proceedings of Multi-Region Change of Operations, MR-CO-05-07, July 17, 2007, page 33, lines 10-11. Yellow Transportation, Inc. manager Rod Boothe expressly stated on the record that “[t]he Columbus Seniority Practice will remain intact.” Id. at 36, lines 21-22.

To be sure, Plaintiff has absolutely no evidence that Mr. D.S. Miller’s “current bidding seniority” was anything other than number 51 on the Linehaul or Over-the-Road Seniority Board in Columbus when he bid on the Atlanta, Georgia road position. Moreover, Plaintiff patently has no evidence that Mr. D.S. Miller’s medical transfer was illegitimate or inoperative in any fashion. Plainly, his Complaint is wholly lacking in factual and legal foundation.

Accordingly, one must conclude that the allegations of the Complaint that “successful bidder Mr. D.S. Miller did not qualify for medical reasons to temporarily transfer from city to road seniority board on November 16, 1995” are frivolous. One must also conclude that the allegations of the complaint that “Miller became physically qualified and thus was required to return to the city seniority board between November 16, 1995 and August 1, 2007” are frivolous. Indeed, one must conclude that the allegations of the Complaint that “Miller voluntarily transferred from city to road seniority board but never spent one year and a day at the bottom of the road seniority board before exercising seniority rights over other road driver” are frivolous. Lastly, the allegations of the Complaint that “Mr. Miller did not have road seniority over Lyon and was thus not eligible to take the Atlanta bid in front of Lyon” are frivolous.

In reality, as Plaintiff knows, Local 413 and the Company scheduled the grievance of Plaintiff Gary Lyon on January 16, 2008 before the Ohio State Joint Grievance Committee (“OJSC”) but Plaintiff failed to appear and it was “held” under the National Master Freight

Agreement and rescheduled until February 13, 2008. Plaintiff failed to appear on that day as well, and thus, his frivolous grievance was withdrawn.

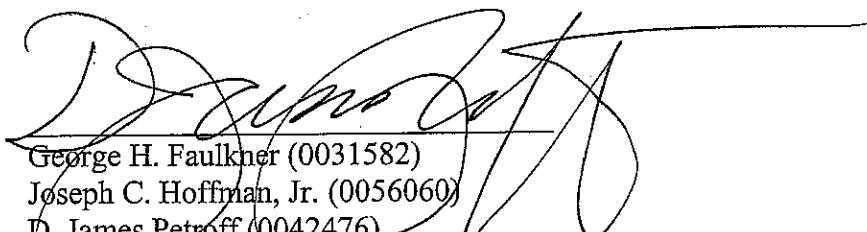
Plaintiff and his counsel know that he never has had a superior seniority right to the Atlanta, Georgia position. The filing of this frivolous Complaint thus must be sanctioned.

C. CONCLUSIONS OF LAW

With even minimal investigation into the assertions made by Plaintiff, simple research on the labor law issues surrounding the duty of fair representation, and by simply reading the agreements attached to its own Complaint, Plaintiff's counsel could have and should have been aware that Plaintiff's claims were unfounded factually and legally. One can only conclude that these frivolous contentions are for purpose of harassment and lawsuit abuse. Maintenance of this action and the baseless allegations in the Complaint against the Defendant Local 413, therefore, warrant an immediate imposition of sanctions.

Respectfully submitted,

FAULKNER, MUSKOVITZ & PHILLIPS, LLP, by



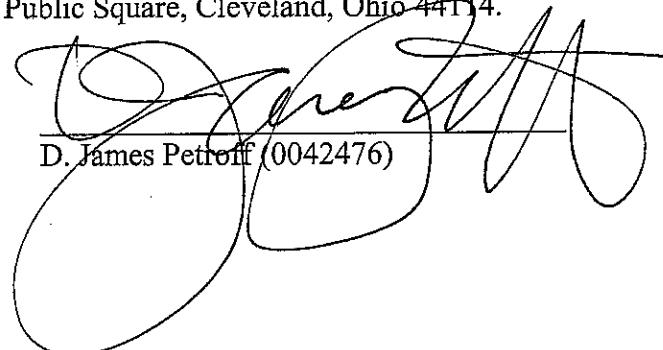
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Email: petroff@fmplaw.com

Attorneys for Defendant Teamsters Local Union No. 413

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MEMORANDUM IN SUPPORT OF DEFENDANT UNION'S MOTION AND NOTICE OF MOTION TO PLAINTIFF FOR SANCTIONS was served this 18th day of July 2008 by U.P.S. Next Day Delivery to Plaintiff's attorney Phillip L. Harmon, Esq., 6649 North High Street, Suite 105, Worthington, Ohio 43085 as Attorney for Plaintiff, and by regular U.S. Mail to Defendant Yellow's attorney Carl Gluek, Esq., Frantz Ward, LLP, 2500 Key Tower, 127 Public Square, Cleveland, Ohio 44114.

D. James Petroff (0042476)

A handwritten signature in black ink, appearing to read "D. James Petroff", is written over a horizontal line. Below the line, the name "D. James Petroff" is printed in a smaller, sans-serif font, followed by the number "(0042476)".

2007 JULY 17 CHANGE OF OPERATIONS

1

MULTI-REGION CHANGE OF OPERATIONS

MR-CO-05-07-2007

* * *

MYRTLE BEACH, SOUTH CAROLINA; TUESDAY, JULY 17, 2007

9:00 A.M.

* * *

YELLOW TRANSPORTATION

AND

LOCAL UNIONS

* * *

CENTRAL REGION LOCAL UNIONS

89, 100, 135, 407, 413, 600, 710, AND 964

EASTERN REGION LOCAL UNIONS

29, 71, 171, 175, 355, 592, 671, AND 822

SOUTHERN REGION LOCAL UNIONS

480 AND 728

RECEIVED
NOV 1 - 2007
TEAMSTERS LOCAL UNION 413

REPORTED BY:

O'BRIEN COURT REPORTERS
CERTIFIED SHORTHAND REPORTERS
BY: JOSIE O'BRIEN, RPR/CSR NO: 6480
15902 VILLANOVA CIRCLE
WESTMINSTER, CALIFORNIA 92683

JOB NO.: 2007-53F:JOOB

O'BRIEN COURT REPORTERS (714) 891-7450

2

MULTI-REGION CHANGE OF OPERATIONS HEARD BEFORE
Page 1

2007JULY17CHANGEOPERATIONS

MULTI-REGION CHANGE OF OPERATIONS

MR-CO-05-07-2007

* * *

MYRTLE BEACH, SOUTH CAROLINA; TUESDAY, JULY 17, 2007

9:00 A.M.

* * *

YELLOW TRANSPORTATION

AND

LOCAL UNIONS

* * *

CENTRAL REGION LOCAL UNIONS

89, 100, 135, 407, 413, 600, 710, AND 964

EASTERN REGION LOCAL UNIONS

29, 71, 171, 175, 355, 592, 671, AND 822

SOUTHERN REGION LOCAL UNIONS

480 AND 728.

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NOV 1 - 2007
TEAMSTERS LOCAL UNION 413

MULTI-REGION CHANGE OF OPERATIONS HEARD BEFORE
Page 1

2

2007 JULY 17 CHANGE OF OPERATIONS

GORDON SWEETON, UNION CHAIRMAN

AND

JIM ROBERTS, EMPLOYER CO-CHAIRMAN

MULTI-REGION CHANGE OF OPERATIONS }
BETWEEN:

YELLOW TRANSPORTATION }

AND }

TEAMSTER LOCAL UNIONS }
89, 100, 135, 407, 413, 600, 710, }
964, 29, 71, 171, 175, 355, 592, }
671, 822, 480, AND 728 }

CASE NO.
MR-CO-05-07/2007

YELLOW TRANSPORTATION MULTI-REGION
CHANGE OF OPERATIONS TRANSCRIPT OF PROCEEDINGS TAKEN
AT THE MARRIOTT RESORT AT GRAND DUNES, LOCATED AT 8400
COSTA VERDE DRIVE, MYRTLE BEACH, SOUTH CAROLINA
29572, COMMENCING AT 9:00 A.M., ON TUESDAY, JULY 17,
2007, HEARD BEFORE GORDON SWEETON AND JIM ROBERTS,
CO-CHAIRMEN; REPORTED BY JOSIE O'BRIEN, C.S.R. NO.
6480, A CERTIFIED SHORTHAND REPORTER IN AND FOR THE
STATE OF CALIFORNIA AND COUNTY OF ORANGE.

* * *

O'BRIEN COURT REPORTERS (714) 891-7450

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9:00 A.M. MYRTLE BEACH, SOUTH CAROLINA JULY 17, 2007

UNION PANEL

Page 2

2007 JULY 17 CHANGE OF OPERATIONS
GORDON SWEETON, CHAIRMAN

WALT LYTTLE, CENTRAL REGION
PAT FLYNN, CENTRAL REGION
KEVIN MCCAFFREY, EASTERN REGION
KEN BRYANT, SOUTHERN REGION
BOB PAFFENROTH, WESTERN REGION

EMPLOYER PANEL
JIM ROBERTS, CO-CHAIRMAN (WESTERN REGION)

LEN WALDO, CENTRAL REGION
A.J. PHILLIPS, EASTERN REGION
GORDON RINGBERG, SOUTHERN REGION

SERGEANT AT ARMS

FRANK PERKINS
GREG ALDEN

* * *

O'BRIEN COURT REPORTERS (714) 891-7450

□

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APPEARANCES

ON BEHALF OF THE EMPLOYER:

BOB JONES
HUGH ROBERTS
LARRY CHRISTON

2007JULY17CHANGEOFOPERATIONS
MARK MATHIS

PETE CHENEY

DON PABST

ROD BOOTHE

MATT OGLESBY

STEVE PARKES

RON COOK

KEITH LILLY

GARY QUINN

* * *

O'BRIEN COURT REPORTERS (714) 891-7450

□

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APPEARANCES (CONTINUED)

ON BEHALF OF THE UNIONS:

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LOCAL 89	WALT LYTHE (LETTER)	19
LOCAL 100	BILL HOLCOMBE	20
	TROY STAPLETON	
LOCAL 135	JIM WILKINSON	21
	ROBIN GREENE	

2007 JULY 17 CHANGE OF OPERATIONS
LARRY PHILLIPS

LOCAL 407	J.D. SMITH	24
LOCAL 413	TONY JONES	30
	BUD RAVER	
	RON SIMMONS	
	KENNY HOGAN	
	JAY SWACKHAMMER	
LOCAL 600	WALT LYTLE (LETTER)	70
LOCAL 710	CHUCK BAEZ	74
	PAT FLYNN	
LOCAL 964	MARK FREY	81

O'BRIEN COURT REPORTERS (714) 891-7450

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APPEARANCES (CONTINUED)

ON BEHALF OF THE UNIONS:

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2007 JULY 17 CHANGE OF OPERATIONS

SOUTHERN UNION LOCALS	PAGE
LOCAL 480 FRANK MOTTERN	97
LOCAL 728 MICHAEL HOBGOOD	98
KEVIN CHAFFIN	

* * *

O'BRIEN COURT REPORTERS (714) 891-7450

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1 9:00 A.M. MYRTLE BEACH, SOUTH CAROLINA JULY 17, 2007

2

3 CHAIRMAN SWEETON: EVERYBODY HOLD IT DOWN.

4 WE ARE GOING TO GO ON RECORD.

5 THIS IS GOING TO BE THE YELLOW

6 TRANSPORTATION CHANGE OF OPERATIONS MR-CO-05-07/2007.

7 TODAY'S DATE IS TUESDAY, JULY 17, 2007, AT 9:00 A.M.

8 WE ARE IN MYRTLE BEACH, SOUTH CAROLINA.

9 UNION COMMITTEE WILL BE SWEETON,

10 CHAIRMAN. KEN BRYANT FOR THE SOUTH. BOB PAFFENROTH

11 FOR THE WEST. WALT LYTHE AND PAT FLYNN FOR THE

12 CENTRAL, AND KEVIN MCCAFFREY FOR THE EAST.

13 CO-CHAIRMAN ROBERTS: EMPLOYER PANEL WILL BE

14 RINGBERG FOR THE SOUTH; WALDO FOR THE CENTRAL;

15 PHILLIPS FOR THE EAST, AND ROBERTS FOR THE WEST.

2007JULY17CHANGEOFOPERATIONS
16 CHAIRMAN SWEETON: SERGEANT OF ARMS WILL BE
17 FRANK PERKINS AND GREG ALDEN.
18 SERGEANT AT ARMS PERKINS: ROLL CALL.
19 CHAIRMAN SWEETON: ANYBODY THAT HAS GOT
20 LETTERS, WE NEED TO MAKE SURE THAT EACH ONE OF THE
21 AREA COORDINATORS HAVE GOT A COPY OF THAT. WHAT WE
22 REQUEST THAT YOU DO, IF THERE IS NO OBJECTION, JUST
23 STATE NO OBJECTIONS ON THE CHANGE, AND THEN WE WILL
24 HAVE THE LETTER TYPED IN VERBATIM. IT WILL SAVE A LOT
25 OF TIME.

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8

1 GO AHEAD FRANK.
2 SERGEANT AT ARMS PERKINS: LOCAL 89.
3 MR. BOOTHE: I HAVE A LETTER FOR 89.
4 SERGEANT AT ARMS PERKINS: YOU HAVE A
5 LETTER.
6 MR. JONES: WE PROVIDED COPIES OF ALL THE
7 LETTERS TO THE PANEL THROUGH WALT.
8 MR. LYTLE: YES.
9 SERGEANT AT ARMS PERKINS: LOCAL 100.
10 PARTICIPANT: HERE.
11 SERGEANT AT ARMS PERKINS: 135.
12 PARTICIPANT: HERE.
13 SERGEANT AT ARMS PERKINS: 407.
14 PARTICIPANT: HERE.
15 SERGEANT AT ARMS PERKINS: 413.
16 PARTICIPANT: PRESENT.
17 SERGEANT AT ARMS PERKINS: 600.
18 MR. LYTLE: LETTER.

19 2007JULY17CHANGEOPÉRATIONS
19 SÉRGEANT AT ARMS PERKINS: 710.
20 PARTICIPANT: WE ARE HERE.
21 SERGEANT AT ARMS PERKINS: 964.
22 PARTICIPANT: HERE.
23 SERGEANT AT ARMS PERKINS: GOING TO THE
24 EAST. 29.
25 PARTICIPANT: LETTER.

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9

1 SERGEANT AT ARMS PERKINS: 71.
2 PARTICIPANT: LETTER.
3 SERGEANT AT ARMS PERKINS: 171.
4 PARTICIPANT: LETTER.
5 SERGEANT AT ARMS PERKINS: 175.
6 PARTICIPANT: 175, LETTER.
7 SERGEANT AT ARMS PERKINS: 355.
8 PARTICIPANT: LETTER, HERE.
9 SERGEANT AT ARMS PERKINS: 592.
10 PARTICIPANT: LETTER.
11 SERGEANT AT ARMS PERKINS: WHAT IS THAT?
12 PARTICIPANT: THERE IS A LETTER.
13 SERGEANT AT ARMS PERKINS: 671.
14 PARTICIPANT: LETTER.
15 SERGEANT AT ARMS PERKINS: 822.
16 PARTICIPANT: THERE IS A LETTER.
17 SERGEANT AT ARMS PERKINS: GOING TO THE
18 SOUTH. 480.
19 PARTICIPANT: HERE.
20 SERGEANT AT ARMS PERKINS: 728.
21 PARTICIPANT: HERE.

2007JULY17CHANGEOFOPERATIONS
22 SERGEANT AT ARMS PERKINS: ANY LOCAL LEFT
23 OUT?
24 PARTICIPANT: I HAVE 449. DO YOU HAVE THEM
25 ON THERE? I HAVE A LETTER.

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10

1 SERGEANT AT ARMS PERKINS: THEY HAVE BEEN
2 DELETED FROM THE CHANGE.
3 PARTICIPANT: OKAY. I HAVE NO OBJECTIONS ON
4 THOSE LETTERS.

5 SERGEANT AT ARMS PERKINS: ANYBODY ELSE?
6 OKAY, MR. CHAIRMAN.

7 CHAIRMAN SWEETON: THANK YOU VERY MUCH.

8 BOB, MR. JONES, I ASSUME THAT YOU ARE
9 GOING TO BE THE SPOKESMAN FOR YELLOW IN THE CHANGE OF
10 OPERATIONS.

11 MR. JONES: I AM, MR. CHAIRMAN.

12 CHAIRMAN SWEETON: IT IS MY UNDERSTANDING
13 THAT YOU HAVE AN OPENING STATEMENT AND CHANGES ON THE
14 NUMBERS; IS THAT CORRECT?

15 MR. JONES: I DO, SIR, YES.

16 CHAIRMAN SWEETON: WOULD YOU LIKE TO GO
17 AHEAD, PLEASE.

18 MR. JONES: I WILL DO THAT.

19 CHAIRMAN SWEETON: AS THE LOCAL IS CALLED,
20 WOULD YOU PLEASE COME UP AND SIT RIGHT UP HERE SO
21 JOSIE CAN HEAR EVERYBODY.

22 MR. JONES: IF I GO TOO FAST, PLEASE ASK ME
23 TO SLOW DOWN.

24 GOOD MORNING AND THANK YOU,

2007JULY17CHANGEOFOPERATIONS
25 MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE.

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11

1 MY NAME IS BOB JONES. I AM THE
2 DIRECTOR OF LABOR RELATIONS FOR YELLOW TRANSPORTATION
3 IN THE CENTRAL REGION.

4 ASSISTING ME TODAY FOR THE COMPANY WILL
5 BE MR. HUGH ROBERTS, VICE-PRESIDENT OF LABOR
6 RELATIONS; MR. LARRY CHRISTON, DIRECTOR OF LABOR OF
7 THE SOUTHERN REGION FOR YELLOW TRANSPORTATION, AND
8 VARIOUS LABOR RELATIONS MANAGERS WHO HAVE HELD
9 MEETINGS WITH ALL THE LOCAL UNIONS INVOLVED IN THIS
10 CHANGE OF OPERATIONS. THEY WILL BE IDENTIFYING
11 THEMSELVES AS THEY COME FORWARD TODAY.

12 IN ADDITION AND ALSO AVAILABLE TO
13 ANSWER THE COMMITTEE'S QUESTIONS WILL BE MARK MATHIS,
14 VICE-PRESIDENT OF TRANSPORTATION. PETE CHENEY,
15 SENIOR MANAGER OPERATIONS PLANNING, AND DON PABST,
16 VICE-PRESIDENT OF MAINTENANCE.

17 GENTLEMEN, WITH THIS CHANGE OF
18 OPERATIONS FILING, YELLOW TRANSPORTATION, INCORPORATED
19 CONTINUES ITS EMPHASIS ON RESTRUCTURING OUR NETWORK
20 AND REVOLUTIONIZING THE SERVICE OFFERING THAT WE BRING
21 TO OUR CONSUMERS. OUR OBJECTIVE IN THIS CHANGE AS IN
22 THE PAST CHANGES IS TO REMOVE THE PERCEPTIONS BY THE
23 MARKETPLACE AND OUR CONSUMERS THAT A MAJOR UNIONIZED
24 LTL CARRIER DOES NOT HAVE THE NETWORK, MEANS AND
25 ABILITIES TO PROVIDE A COMPETITIVE, RELIABLE AND

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12

1 FLEXIBLE SERVICE PRODUCT. THE NEED TO INCREASE OUR
2 MARKET SHARE AND IMPROVE OUR LEVEL OF CONSUMER
3 SATISFACTION IS BOTH VERY REAL AND VERY IMMEDIATE. WE
4 PROPOSE THIS CHANGE OF OPERATIONS TODAY TO POSITION
5 YELLOW TO COMPETE AND GROW OUR BUSINESS AND BECOME THE
6 BEST OVERALL SERVICE PROVIDER TO OUR CONSUMERS, TODAY
7 AND IN THE FUTURE. WITH THE SUCCESS THIS CHANGE OF
8 OPERATIONS WILL PROVIDE, WE WILL BE ABLE TO GROW AND
9 MAINTAIN THE ABILITY TO PROVIDE THE BEST JOBS AND JOB
10 SECURITY IN THE INDUSTRY TO ALL OUR EMPLOYEES.

11 FOR THESE REASONS MR. CHAIRMAN, IT IS
12 IMPERATIVE THAT THIS FILING BE APPROVED AS WRITTEN AND
13 AMENDED ON THE RECORD TODAY AND IMPLEMENTED WITHIN THE
14 TIMEFRAME WE HAVE DESCRIBED IN OUR FILING.

15 MR. CHAIRMAN TO EXPEDITE THE HEARING
16 PROCESS, I WOULD LIKE TO POINT OUT THE FOLLOWING ITEMS
17 IN OUR FILING.

18 PAGE 4 OF OUR FILING OUTLINES A GENERAL
19 OPERATING STATEMENT AND PROVIDES A BRIEF SYNOPSIS OF
20 WHAT OUR FILING IS DESIGNED TO ACCOMPLISH. IT IS
21 NOTED AS NORMAL IN THE COMPANY'S GENERAL OPERATING
22 STATEMENT MR. CHAIRMAN.

23 THIS PROPOSED CHANGE OF OPERATIONS WILL
24 NOT ALTER ANY METHOD OF ROAD DISPATCH CURRENTLY IN
25 EFFECT OR AS A RESULT OF ANY OTHER APPROVED CHANGE OF

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13

1 OPERATIONS OR AGREEMENTS, UNLESS REFERENCED IN THIS
2 PROPOSED CHANGE OF OPERATIONS FILING.

Page 11

2007JULY17CHANGEOFOPERATIONS

3 PAGE 5 OF THE FILING DESCRIBES THE
4 BIDDING PROCEDURE THE COMPANY PLANS TO USE. THE
5 COMPANY WOULD REQUEST NO WINDOW PERIOD AS THE
6 COMPLIMENT OF LOSING AND GAINING EMPLOYEES IN BOTH THE
7 ROAD AND LOCAL CARTAGE CLASSIFICATION IN THIS CHANGE
8 OF OPERATIONS ARE EVEN. THIS PROCEDURE IS IN
9 COMPLIANCE WITH THE PROCEDURES AS SET FORTH IN ARTICLE
10 8, SECTION 6 OF THE NATIONAL MASTER FREIGHT AGREEMENT.

11 THE COMPANY HAS SINCE THE ORIGINAL DATE
12 OF FILING MADE SOME ADJUSTMENTS TO THE WORK MOVES
13 INVOLVED IN THIS CHANGE OF OPERATIONS. THE REASON FOR
14 THESE ADJUSTMENTS, MR. CHAIRMAN, WAS DUE TO THE
15 REQUEST MADE BY TEAMSTERS LOCAL 413 FOR A REEVALUATION
16 OF THE WORK LOSS IMPACT IN COLUMBUS, OHIO. THE
17 COMPANY WORKED WITH THE LOCAL UNION ON THE WORK LOSS
18 AREA AND ADJUSTMENTS WERE MADE.

19 THESE ADJUSTMENTS AND COINCIDING
20 AMENDMENT SHEETS HAVE BEEN DISCUSSED AND COPIES
21 PROVIDED TO ALL THE INVOLVED LOCAL UNIONS. WE HAVE
22 WITH US TODAY ADDITIONAL COPIES SHOULD ANYONE NEED
23 ONE.

24 CHAIRMAN SWEETON: PASS ONE UP HERE PLEASE.
25 MR. JONES: MR. CHAIRMAN, THE COMPANY WOULD

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14

1 LIKE TO READ AND PLACE THESE ADJUSTMENTS AND
2 AMENDMENTS INTO THE RECORD AT THIS TIME.

3 CHAIRMAN SWEETON: GO AHEAD.

4 MR. JONES: FIRST OF ALL, YOU SEE REFERENCED
5 ON THE PAGE, EASTERN REGION, THAT WOULD BE LISTED
Page 12

2007JULY17CHANGEOFOPERATIONS

6 UNDER THE EASTERN REGION SECTION OF THE ORIGINAL
7 FILING, PAGE 9, ITEM 6. BUFFALO, NEW YORK, LOCAL 449,
8 DELETE AND REMOVE BUFFALO, NEW YORK, LOCAL 449 FROM
9 THE CHANGE FILING.

10 FOR THE CENTRAL REGION SECTION, PAGE
11 11, ITEM 3, INDIANAPOLIS, INDIANA, LOCAL 135.

12 FOR THE ROAD OPERATION SECTION, CHANGE
13 THE HEADER AND PARAGRAPH TO READ AS FOLLOWS: NET GAIN
14 OF FOUR POSITIONS. THE INDIANAPOLIS, INDIANA ROAD
15 OPERATION WILL GAIN WORK ON THE LEGS TO CHARLOTTE,
16 NORTH CAROLINA. THIS EQUATES TO A GAIN OF FOUR ROAD
17 POSITIONS.

18 LOCAL CARTAGE AND HOSTLING OPERATIONS,
19 CENTRAL REGION, IN REGARD TO INDIANAPOLIS, INDIANA,
20 LOCAL 135 CHANGE HEADER IN PARAGRAPH TO READ AS
21 FOLLOWS: NET GAIN OF THREE POSITIONS.

22 THE INDIANAPOLIS LOCAL CARTAGE HOSTLING
23 OPERATION WILL BE THREE POSITIONS DUE TO A GAIN OF
24 APPROXIMATELY 337 TRANSFER BILLS PER WEEK.

25 SHOP OPERATION INVOLVING INDIANAPOLIS,

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15

1 INDIANA, LOCAL 135, CHANGE THE HEADER AND PARAGRAPH TO
2 READ AS FOLLOWS: NET GAIN OF 12 POSITIONS.

3 AS A RESULT OF THIS CHANGE OF
4 OPERATIONS, THE INDIANAPOLIS, INDIANA SHOP OPERATION
5 WILL GAIN THE WORK OF 12 POSITIONS.

6 NEXT, ON THE CENTRAL REGION, PAGE 12,
7 ITEM 5, COLUMBUS, OHIO, LOCAL 413, ROAD OPERATIONS
8 SHOULD REFLECT THE FOLLOWING: CHANGE HEADER IN LAST
Page 13

2007JULY17CHANGEOFOPERATIONS

9 CENTER OF THE LAST PARAGRAPH TO READ AS FOLLOWS: NET
10 LOSS OF 66 POSITIONS. THIS EQUATES TO A LOSS OF 66
11 POSITIONS.

12 LOCAL CARTAGE/HOSTLING OPERATION,
13 CHANGE HEADER AND PARAGRAPH TO READ AS FOLLOWS
14 INVOLVING LOCAL 413, COLUMBUS, OHIO. NET LOSS OF 63
15 POSITIONS. THE COLUMBUS, OHIO LOCAL CARTAGE/HOSTLING
16 OPERATION WILL LOSE 63 POSITIONS DUE TO A LOSS OF
17 APPROXIMATELY 4,343 TRANSFER BILLS PER WEEK.

18 IN REGARDS TO THE SHOP CHANGE INVOLVING
19 LOCAL 413, COLUMBUS, OHIO, CHANGE HEADER AND PARAGRAPH
20 TO READ AS FOLLOWS: NET LOSS OF 23 POSITIONS. THE
21 COLUMBUS, OHIO SHOP OPERATION WILL LOSE THE WORK OF 23
22 POSITIONS AS A RESULT OF THIS CHANGE OF OPERATIONS.

23 NEXT AMENDMENT, MR. CHAIRMAN, IS PAGE
24 12, ITEM 7, INVOLVING CHICAGO, ILLINOIS, LOCAL 710.
25 ROAD OPERATION, CHANGE HEADER TO READ AS FOLLOWS: NET

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16

1 GAIN OF 16 POSITIONS. CHANGE LAST PARAGRAPH TO READ
2 AS FOLLOWS: THE COMPANY HAS DETERMINED BASED ON
3 OPERATIONAL NEEDS FORECASTS, EMPLOYEE ATTRITION AND
4 DRIVER UNAVAILABILITY THAT THE CHICAGO ROAD OPERATION
5 WILL EXPERIENCE A NEED FOR 16 POSITIONS.

6 NEXT CHANGE IS UNDER THE SOUTHERN
7 REGION, PAGE 13, ITEM 1, NASHVILLE, TENNESSEE, LOCAL
8 480, ROAD OPERATION. THE COMPANY HAS MADE A
9 TYPOGRAPHICAL ERROR IN THIS PARAGRAPH. CHANGE
10 PARAGRAPH TO READ: THE NASHVILLE, TENNESSEE ROAD
11 OPERATION WILL GAIN WORK ON THE LEG TO MEMPHIS,

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12 TENNESSEE, AND PREVIOUSLY STATED KANSAS CITY, AND
13 ST. LOUIS, MISSOURI. THIS EQUATES TO A GAIN OF TWO
14 POSITIONS.

15 MR. CHAIRMAN, THAT IS A LISTING OF ALL
16 THE REVISIONS AND ADDENDUMS TO THIS FILED CHANGE OF
17 OPERATIONS. IF THERE ARE ANY QUESTIONS REGARDING
18 THESE REVISIONS.

19 ALSO, YOU WILL NOTE, MR. CHAIRMAN,
20 ATTACHED IS AN UPDATED LOCAL CARTAGE/HOSTLING, SHOP
21 AND ROAD WORK OPPORTUNITY MOVE SHEET THAT IS UPDATED
22 REFLECTING ALL THE CHANGES OF WHAT I JUST READ INTO
23 THE RECORD.

24 CHAIRMAN SWEETON: ANYONE LAID OFF IN
25 CHICAGO AT THE PRESENT TIME?

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17

1 MR. JONES: NO, MR. CHAIRMAN. THERE IS NOT.
2 MR. CHAIRMAN, THE COMPANY HAS DESCRIBED
3 OUR INTENTIONS AND NEEDS REGARDING THIS FILED CHANGE
4 OF OPERATIONS. WE ARE AT THIS TIME READY TO ANSWER
5 QUESTIONS OF THE CHANGE OF OPERATIONS COMMITTEE AND
6 ALL THE INVOLVED LOCAL UNIONS.

7 THANK YOU VERY MUCH.

8 MR. LYTHE: MR. CHAIRMAN, I HAVE A QUESTION
9 OF THE COMPANY.

10 CHAIRMAN SWEETON: GO AHEAD.

11 MR. LYTHE: IN THE OPERATING STATEMENT,
12 GENERAL OPERATING STATEMENT, NEXT TO THE LAST
13 PARAGRAPH ON THE FIRST PAGE, "COMPANY RESERVES THE
14 RIGHT TO RUN VIAS, REVERSALS, MEET AND TURNS, AND

2007JULY17CHANGEOFOPERATIONS

15 OTHER ALTERNATE METHODS OF DISPATCH TO MAINTAIN
16 BALANCE, REDUCE EMPTY MILES, UTILIZING THEIR
17 EMPLOYEE'S HOURS OF SERVICE SO AS TO PROVIDE A HIGH
18 LEVEL OF SERVICE TO OUR CUSTOMERS. THESE RUNS ARE
19 PRIMARIES; AREN'T THEY? THAT YOU ARE CHANGING TO?

20 MR. JONES: THE RUNS THAT WE ARE CHANGING --
21 FIRST OF ALL, AGAIN, I WANT TO MAKE SURE ON THE RECORD
22 THAT THAT IS OUR GENERAL OPERATING STATEMENT AND
23 PROPOSED IN EVERY CHANGE OF OPERATIONS WE RESERVE THE
24 RIGHT TO RUN AS STATED. WHAT WE ARE PROPOSING IN THE
25 CHANGE ARE PRIMARIES TO THE LOCATIONS, THE GAINING

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18

1 LOCATIONS.

2 MR. LYTHE: WHY DO YOU PROPOSE TO RUN
3 REVERSALS THEN WHEN SOMEBODY IS PRIMARY ON THE RUN?

4 MR. JONES: THAT IS OUR RIGHT UNDER THE
5 CONTRACT.

6 MR. LYTHE: ONE OTHER QUESTION: WHAT'S YOUR
7 ALTERNATIVE METHOD OF DISPATCH TO MAINTAIN BALANCE?

8 MR. JONES: AT THE PRESENT TIME WE WILL USE
9 THE PROVISIONS OF 29.3.

10 CHAIRMAN SWEETON: IS THAT ALL YOU HAVE
11 WALT?

12 MR. LYTHE: YES.

13 CHAIRMAN SWEETON: FRANK, DO YOU WANT TO
14 CALL THE FIRST LOCAL?

15 SERGEANT AT ARMS PERKINS: EIGHTY-NINE HAS A
16 LETTER.

17 MR. LYTHE: YOU SAID 29.3 OR 29.1?

2007JULY17CHANGEOFOPERATIONS

18 MR. JONES: 29.3 IS WHAT I SAID FOR THE
19 RECORD.

20 MR. LYTLE: OKAY.

21 MR. BRYANT: THIS IS BRYANT FOR THE
22 COMMITTEE. A COUPLE OF QUESTIONS OF THE COMPANY.

23 ON YOUR BIDDING PAGE OF YOUR PROPOSED
24 CHANGE.

25 MR. JONES: YES, SIR.

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19

1 MR. BRYANT: YOU ARE REQUESTING THE 60 DAY
2 PERIOD PRIOR TO REBID, YOU ARE TALKING ABOUT ONLY IN
3 THE LANES THAT ARE AFFECTED BY THIS CHANGE; RIGHT?

4 MR. JONES: THAT'S CORRECT.

5 MR. BRYANT: AND DO YOU HAVE AN IMPLEMENTA-
6 TION DATE?

7 MR. JONES: NO SOONER THAN SEPTEMBER 2,
8 2007.

9 MR. BRYANT: WOULD THAT BE SEPTEMBER THE
10 9TH?

11 MR. JONES: YES, SIR. IT COULD BE.

12 MR. BRYANT: THESE GUYS ARE GOING TO NEED TO
13 KNOW WHAT DAY THEY NEED TO SHOW UP FOR WORK.

14 MR. JONES: THE COMPANY -- WE WILL ABIDE BY
15 THE COMMITTEE DECISION MR. CHAIRMAN -- WE DON'T HAVE A
16 PROBLEM WITH NOT IMPLEMENTING PRIOR TO THE 9TH OF
17 SEPTEMBER -- OR MR. COMMITTEE MEMBER. I AM SORRY.

18 MR. BRYANT: OKAY.

19 CHAIRMAN SWEETON: WALT, DO YOU HAVE A
20 LETTER ON 89?

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21 MR. LYTHE: YES. I DO. READ THE LETTER FOR
22 THE RECORD. ADDRESSED TO MYSELF AND HUGH ROBERTS.
23 "DEAR GENTLEMEN:
24 "IN REGARDS TO YELLOW TRANSPORTATION CHANGE
25 OF OPERATIONS SCHEDULED TO BE HEARD AT THE

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20

1 NATIONAL GRIEVANCE COMMITTEE MEETINGS ON
2 JULY 17TH IN MYRTLE BEACH SOUTH CAROLINA,
3 LOCAL 89 HAS NO OBJECTIONS TO THE CHANGE AS
4 PROPOSED."

5 SIGNED BY KEVIN OLIVA, ASSISTANT TO THE
6 PRESIDENT OF TEAMSTERS LOCAL 89.

7 CHAIRMAN SWEETON: NEXT LOCAL FRANK.

8 SERGEANT AT ARMS PERKINS: ONE HUNDRED. YOU
9 ALL COME UP HERE.

10 MR. HOLCOMBE: BILL HOLCOMBE, LOCAL 100. WE
11 HAVE MET WITH MR. BOOTHE AND TALKED. FUNDAMENTALLY,
12 WE HAVE NO OBJECTION TO THE CHANGE OF OPERATIONS. WE
13 DO, HOWEVER, HAVE SOME CONCERN OF THE WAY IT IS
14 WRITTEN CONCERNING CHICAGO. THROUGH ATTRITION AND
15 UNAVAILABILITY, THEY ARE PROPOSING TO ALLOW MEN TO
16 TRANSFER IN WITH THEIR SENIORITY. I AM SURE THIS
17 COMMITTEE IS GOING TO ADDRESS THAT. WE WOULD LIKE TO
18 GO ON THE RECORD CINCINNATI OPPOSES ANY CHANGE OF
19 OPERATIONS THAT WOULD ALLOW MEN TO COME INTO OUR LOCAL
20 WITHOUT BRINGING THEIR WORK WITH THEM. THAT'S CLEARLY
21 A 5/5 ISSUE.

22 CHAIRMAN SWEETON: COMPANY, DO YOU WANT TO
23 RESPOND TO THAT?

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24 MR. BOOTHE: THE 710 ISSUE, BILL, DOES NOT
25 APPLY TO YOU. THE WORK THAT IS COMING TO CINCINNATI,

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21

1 OHIO, THEY ARE BRINGING WORK WITH THEM AS WE TALKED
2 ABOUT IN THE MEETING.

3 MR. HOLCOMBE: I UNDERSTAND THAT. LIKE I
4 SAID, WE HAVE NO OBJECTION. AT THIS TIME WE HAVE
5 CONCERNS OVER THAT ISSUE OF MAY BE ANY FUTURE CHANGE
6 OF OPERATIONS, CINCINNATI WILL OPPOSE ANYTHING WHERE
7 THEY ALLOW TRANSFERRING TO CINCINNATI WITHOUT BRINGING
8 THEIR WORK.

9 MR. JONES: MR. CHAIRMAN, FOR THE RECORD, WE
10 WILL CERTAINLY ALLOW THAT TO BE DETERMINED BY THE
11 COMMITTEE. THANK YOU.

12 MR. HOLCOMBE: THAT'S ALL WE HAVE.

13 SERGEANT AT ARMS PERKINS: 135.

14 MR. WILKINSON: MR. CHAIRMAN, JIM WILKINSON
15 FOR LOCAL 135. I AM REPRESENTING THE ROAD AND THE
16 SHOP. BUSINESS AGENT, ROBIN GREENE IS REPRESENTING
17 LOCAL CARTAGE. I WOULD LIKE TO LET HIM GO FIRST.

18 MR. GREENE: ROBIN GREENE FOR LOCAL 135,
19 LOCAL CARTAGE SIDE. WE HAVE NO OBJECTIONS WHATSOEVER
20 WITH THE CHANGE. WE ARE COMFORTABLE WITH THAT.

21 CHAIRMAN SWEETON: THANK YOU, ROBIN.

22 MR. WILKINSON: MR. CHAIRMAN, JIM WILKINSON.
23 I AM GOING TO DO THE ROAD FIRST. WE HAVE NO OBJECTION
24 TO THE CHANGE. WE JUST WANT A LITTLE CLARIFICATION.

25 ON THE COLUMBUS, OHIO BOARD, THERE IS

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22

1 GUYS THAT IS ON MEDICAL TRANSFERS FROM LOCAL CARTAGE
2 TO THE ROAD. WE ARE ASKING TO FIND OUT WHAT SENIORITY
3 DATE THEY ARE SHOWING TO MOVE IN WITH. ARE THEY
4 MOVING IN WITH THEIR LOCAL CARTAGE SENIORITY OR ARE
5 THEY MOVING IN WITH THEIR ROAD SENIORITY?

6 MR. JONES: CLARIFICATION OF THAT. BOB
7 JONES FOR YELLOW TRANSPORTATION, MR. CHAIRMAN. WE
8 WILL ALLOW THE COMMITTEE TO MAKE THAT DECISION, ABIDE
9 BY THE COMMITTEE DECISION.

10 CHAIRMAN SWEETON: SO WHAT YOUR QUESTION IS,
11 IS WHAT CLASSIFICATION THEY ARE IN RIGHT NOW. AND
12 WHAT THEY WILL BE COMING IN WITH.

13 MR. WILKINSON: YEAH. THAT'S IT,
14 MR. CHAIRMAN.

15 CHAIRMAN SWEETON: WE WILL GIVE YOU AN
16 ANSWER TO THAT IN OUR DECISION.

17 MR. RAVER: WE DIDN'T HEAR THE ANSWER FROM
18 BOB JONES.

19 MR. JONES: THE ANSWER THAT I GIVE WAS THAT
20 THE COMPANY WOULD ABIDE BY THE DECISION OF THE
21 COMMITTEE.

22 CHAIRMAN SWEETON: ANYTHING ELSE?

23 MR. WILKINSON: YES. UNDER THE SHOP
24 OPERATION, WE UNDERSTAND THERE IS 12 POSITIONS COMING
25 TO INDIANAPOLIS. I WILL GIVE YOU A COPY OF OUR

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23

2007JULY17CHANGEOFOPERATIONS
1 INDIANA AUTOMOTIVE MAINTENANCE CONTRACT FOR THE
2 CHAIRMEN TO LOOK AT.
3 THERE IS NO PROVISION IN THIS CONTRACT
4 TO LET PEOPLE MOVE IN WITH THEIR SENIORITY, SO THEY
5 WILL ALL HAVE TO END TAIL INTO LOCAL 135.

6 I DID SIT WITH THE COMPANY, TALKED TO
7 THEM ABOUT THEIR FRINGES, TOOL ALLOWANCE, ALL THE
8 STUFF THAT GOES WITH THIS. THEY WOULD TAKE CARE OF
9 THAT BEFORE THEY MOVED INTO INDIANA. THE ONLY
10 SENIORITY THEY WOULD ENJOY IN INDIANA WOULD BE FOR
11 VACATION, WHAT THEY HAVE EARNED BY THE COMPANY
12 SENIORITY, BUT THEY WILL GO TO THE BOTTOM OF OUR
13 SENIORITY LIST. THEY WILL BE AS A NEW HIRE TO US, BUT
14 THEY WILL MAINTAIN WHATEVER WAGES THEY ARE MAKING, ALL
15 THAT STUFF, BUT THERE IS NO PROVISION AT ALL IN OUR
16 CONTRACT TO LET PEOPLE MOVE IN.

17 MR. JONES: BOB JONES IN RESPONSE TO THAT,
18 MR. CHAIRMAN, THAT IS COVERED IN THE OPERATING
19 STATEMENT, GENERAL OPERATING STATEMENT. WE AGREE.

20 CHAIRMAN SWEETON: THANK YOU. ANY OTHER
21 QUESTIONS JIM?

22 MR. WILKINSON: MR. CHAIRMAN, I THINK THAT'S
23 ALL WE HAVE.

24 CHAIRMAN SWEETON: THANK YOU VERY MUCH.

25 SERGEANT AT ARMS PERKINS: 407.

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24

1 MR. SMITH: MR. CHAIRMAN, I WILL BE SPEAKING
2 ON BEHALF OF BOTH THE ROAD PORTION AS WELL AS THE
3 LOCAL CARTAGE.

4 2007JULY17CHANGEOFOPERATIONS
5 I HAVE A LETTER FROM THE BUSINESS
6 5 AGENT, MR. JESS WOODY, WRITTEN ON JULY 13.
7 6 "DEAR MR. WALT LYTHE:
8 7 "DEAR SIR AND BROTHER:
9 8 "AS BUSINESS REPRESENTATIVE FOR ROAD
10 9 DRIVERS DOMICILED IN THE BRIDGEFIELD, OHIO
11 10 TERMINAL, I HAVE NO OBJECTION TO THE CHANGE
12 11 MR-CO-05-07/2007.
13 12 "AT A MEETING WITH YELLOW
14 13 TRANSPORTATION ON JUNE 27, 2007, ALL
15 14 QUESTIONS PRESENTED BY MYSELF AND MY
16 15 STEWARDS WERE ASKED AND ANSWERED TO OUR
17 16 SATISFACTION.
18 17 "RESPECTFULLY SUBMITTED.
19 18 "JESS WOODY"
20 19 CHAIRMAN SWEETON: DO YOU HAVE A COPY OF
21 20 THOSE WRITTEN QUESTIONS AND ANSWERS?
22 21 MR. SMITH: NO, SIR, I DO NOT, BUT I CAN
23 22 FORWARD THEM TO THE COMMITTEE IF THEY NEED THEM.
24 23 "REGARDING THE LOCAL CARTAGE PORTION,
25 24 WITH ALL DUE CONCERN TO OUR BROTHERS AND
 25 SISTERS IN LOCAL 413 LOSING A SIGNIFICANT

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25

1 1 PORTION OF THEIR BREAKBULK OPERATION, WE
2 2 APPRECIATE RECEIVING THE ADDITIONAL
3 3 DOCK/YARD WORK IN CLEVELAND, OHIO.
4 4 "A MEETING WAS HELD IN CLEVELAND WITH
5 5 YELLOW TRANSPORTATION ON WEDNESDAY, JUNE 27.
6 6 YELLOW TRANSPORTATION ADEQUATELY PRESENTED

7 2007JULY17CHANGEOFOPÉRATIONS
8 THE CHANGE, AND THE LOCAL UNION'S QUESTIONS
9 WERE SATISFACTORILY ANSWERED.

10 "SUBSEQUENT TO THAT MEETING, MY DOCK/YARD BARGAINING UNIT HAD SOME CONCERN
11 REGARDING THE ELIGIBILITY OF THE COLUMBUS
12 CITY DRIVERS TO FOLLOW DOCK/YARD WORK TO
13 CLEVELAND.

14 "AS THIS CHANGE IS WRITTEN AND
15 PRESENTED, NO CITY P&D WORK IS MOVING FROM
16 COLUMBUS TO CLEVELAND. THEREFORE, WE ARE
17 REQUESTING THAT ONLY THE DOCK/YARD BID
18 EMPLOYEES BE PERMITTED TO FOLLOW THEIR WORK
19 TO CLEVELAND.

20 "WE UNDERSTAND THAT ALL QUESTIONS
21 CONCERNING CLASSIFICATION ELIGIBILITY TO
22 PARTICIPATE AND FOLLOW LOCAL CARTAGE WORK TO
23 GAINING FACILITIES REST WITH THIS COMMITTEE.

24 "IF THE DECISION OF THIS COMMITTEE
25 PERMITS COLUMBUS CITY DRIVERS TO FOLLOW

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26

1 DOCK/YARD WORK TO CLEVELAND.

2 "WE HAVE A PRACTICE IN LOCAL 407 TITLED
3 'THE CLEVELAND PRACTICE.' IT REQUIRES THAT
4 A CITY EMPLOYEE VOLUNTARILY TRANSFERRING
5 FROM A CITY CLASSIFICATION TO A DOCK/YARD
6 CLASSIFICATION SUFFER A LOSS OF SENIORITY
7 FOR ONE YEAR, ONE DAY AND A BID. WE
8 RESPECTFULLY REQUEST THAT THAT PRACTICE BE
9 APPLIED TO ANY COLUMBUS CITY DRIVER GIVEN

10 2007JULY17CHANGEOFOPERATIONS
11 THE OPPORTUNITY TO FOLLOW DOCK/YARD WORK TO
12 CLEVELAND. I WILL PRESENT A COPY OF THE
13 CLEVELAND PRACTICE FOR ANY NECESSARY
14 REFERENCE DURING EXECUTIVE SESSION.

15 "WITH THOSE TWO CONCERNS PLACED IN THE
16 HANDS OF THE COMMITTEE, LOCAL 407 HAS NO
17 OBJECTION TO THE CHANGE AND WILL
18 RESPECTFULLY ACCEPT THE DECISION RENDERED BY
19 THIS COMMITTEE."

20 MR. LYITLE: JUST FOR THE RECORD, J.D., THE
21 QUESTIONS AND ANSWERS YOU HAD AS FOR THE LOCAL CARTAGE
22 SUBMITTED AND THE LETTER IS FOR THE ROAD PORTION;
23 RIGHT?

24 MR. SMITH: YES, SIR. THERE ARE TWO LETTERS
25 THAT I SUBMITTED TO YOU. ONE ON BEHALF OF JESS WOODY.
 THERE ARE NO QUESTIONS AND ANSWERS ASSOCIATED WITH

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27

1 1 THAT LETTER. THEN THE SECOND LETTER IS THE LETTER
2 2 CONCERNING LOCAL CARTAGE ISSUES. I DO HAVE COPIES OF
3 3 MY NOTES FROM THE MEETING, BUT I DON'T HAVE THEM
4 4 SPECIFICALLY PREPARED FOR YOU.

5 5 CHAIRMAN SWEETON: I HAVE A QUESTION FOR YOU
6 6 JUST SO THAT WE UNDERSTAND WHAT YOU ARE SAYING. WHEN
7 7 THE LOCAL 413 PEOPLE COME IN IF WE ARE ALLOWING THE
8 8 LOCAL CARTAGE TO BID INTO THE DOCK JOBS, WHAT ARE YOU
9 9 ACTUALLY SAYING? IF THEY COME WITH SO MUCH SENIORITY,
10 10 YOU ARE NOT WANTING THEM TO BE ABLE TO BID OUT OF
11 11 THERE FOR A YEAR AND DAY?

12 12 MR. SMITH: WELL, IF THEY ARE CHANGING,

2007JULY17CHANGEOFOPERATIONS
13 VOLUNTARILY CHANGING FROM A CITY CLASSIFICATION IN
14 COLUMBUS TO A DOCK/YARD CLASSIFICATION MIGRATING NORTH
15 TO CLEVELAND, THAT THEY SURRENDER THE SENIORITY FOR
16 ONE YEAR, ONE DAY AND A BID. AFTER THAT POINT THEY
17 WOULD REGAIN THEIR SENIORITY AND BE ABLE TO DOVETAIL
18 INTO OUR BOARD.

19 CO-CHAIRMAN ROBERTS: IS THAT A 407
20 PRACTICE?

21 MR. SMITH: YES, SIR. IT IS. THAT IS 407.
22 AS I UNDERSTAND IT, THERE IS TWO SEPARATE SENIORITY
23 LISTS IN COLUMBUS. ONE FOR THE CITY AND -- DON'T
24 QUOTE ME ON THE NUMBERS -- BUT I BELIEVE THERE ARE 54
25 IN THE CITY AND 122 ON THE DOCK.

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1 I THINK THE PURPOSE OF THE CHANGE, THE
2 INTENT IS TO COMBINE THE TWO LISTS OF 174 TOTAL.
3 INITIALLY WE WOULD LIKE TO SEE JUST THE DOCK/YARD BID
4 EMPLOYEES BE PERMITTED TO FOLLOW DOCK/YARD WORK TO
5 CLEVELAND.

6 CO-CHAIRMAN ROBERTS: I GOT IT NOW. THANK
7 YOU.

8 MR. SMITH: ALL RIGHT.

9 MR. LYTHE: THE COMPANY HAS AGREED TO THAT,
10 RIGHT, FOR THE RECORD, AND SIGNED OFF BY EVERETT HART
11 AND THE LOCAL UNION.

12 MR. SMITH: THE CLEVELAND PRACTICE HAS BEEN
13 SIGNED OFF BY THE COMPANY. THE MEETING ON JUNE 27TH
14 IN CLEVELAND, THE COMPANY PUT ON THE TABLE THAT THERE
15 ARE TWO SEPARATE LISTS, BUT BOTH WOULD BE ELIGIBLE TO

2007JULY17CHANGEOOPERATIONS
16 PARTICIPATE IN THIS CHANGE. SO AGAIN, DON'T
17 MISUNDERSTAND, THE CLEVELAND PRACTICE HAS AGREED TO
18 THIS PRINCIPLE OF WHETHER CITY CLASSIFICATION AND
19 DOCK/YARD PUTTING INTO ONE LOCAL CARTAGE AS THERE IS
20 OUR DISPUTE. INITIALLY IT WAS UNDERSTOOD AND AGREED.
21 MY BARGAINING UNIT REACTED THE WAY -- YOU KNOW, THEY
22 WANT TO PROTECT THEIR DOCK/YARD CLASSIFICATION AND THE
23 SENIORITY THAT THEY HAVE WITHIN THAT DOCK/YARD
24 CLASSIFICATION.

25 I HOPE I MADE MYSELF CLEAR.

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29
1 MR. LYTHE: THE ISSUE FOR US TO DECIDE IS
2 HOW WE HANDLE COMING FROM SINGLE CLASSIFICATION INTO A
3 MULTI-CLASSIFICATION IN 407; RIGHT?

4 MR. SMITH: YES, SIR. IN CLEVELAND, THE
5 DISTINCTION BETWEEN CITY AND LOCAL CARTAGE IS AN
6 ABSOLUTE DISTINCTION. TO MOVE FROM CITY TO DOCK/YARD,
7 YOU MUST APPLY THE PRINCIPLES OF THE CLEVELAND
8 PRACTICE.

9 SO, AGAIN, WHEN WE ARE LOOKING AT WHAT
10 IS COMING NORTH FROM COLUMBUS, IT IS DOCK/YARD WORK.
11 SO WE ARE ASKING AGAIN, PRIMARILY THAT THE DOCK/YARD
12 BE AFFORDED THE OPPORTUNITY TO FOLLOW THE WORK NORTH
13 TO CLEVELAND, AND IF COLUMBUS OR THE COMMITTEE DECIDES
14 TO PUT THE 54 CITY DRIVERS WITH THE 122 DOCK
15 EMPLOYEES, THAT THEY -- THE CITY DRIVERS PARTICIPATING
16 IN THE CHANGE FOLLOW THEIR WORK TO CLEVELAND UNDER THE
17 PRINCIPLES OF THE CLEVELAND PRACTICE.

18 MR. LYTHE: SO YOU ARE NOT ASKING THAT THEY

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19 BID IT SEPARATELY PER SE, YOU JUST WANT TO KNOW HOW TO
20 SORT IT OUT ONCE THEY GET THERE.

21 MR. SMITH: EXACTLY MR. LYTLE.

22 CO-CHAIRMAN ROBERTS: DOES THAT MEAN, J.D.,
23 THAT IF THE COMMITTEE IN THEIR WISDOM DECIDES TO BID
24 THE LOSING POSITIONS TO A COMBINATION 413 SENIORITY
25 LIST, THAT IS, THE DRIVERS AND THE DOCK, AND THAT PART

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1 OF THE FOLKS THAT TRANSFER ARE DOCK PEOPLE AND PART
2 ARE CITY PEOPLE, THAT THEY WILL BE TREATED
3 DIFFERENTLY?

4 MR. SMITH: YES, SIR.

5 CO-CHAIRMAN ROBERTS: THE DRIVERS WILL HAVE
6 A YEAR AND DAY, AND DOCK PEOPLE WILL DOVETAIL
7 IMMEDIATELY.

8 MR. SMITH: YES, SIR.

9 CO-CHAIRMAN ROBERTS: THANK YOU.

10 CHAIRMAN SWEETON: NEXT LOCAL FRANK.

11 SERGEANT AT ARMS PERKINS: 413.

12 CHAIRMAN SWEETON: READY.

13 MR. JONES: I AM READY. GOOD MORNING,
14 MR. CHAIRMAN. FIRST OF ALL, LOCAL 413 WOULD LIKE TO
15 ENTER INTO THE RECORD AN OPENING STATEMENT.

16 "TEAMSTERS LOCAL 413 OPENING STATEMENT
17 OBJECTING TO YELLOW'S PROPOSED CHANGE OF
18 OPERATIONS.

19 "LOCAL 413 OBJECTS TO YELLOW'S CHANGE
20 OF OPERATIONS FOR THE FOLLOWING REASONS:

21 "OUR MEMBERS AT COLUMBUS, OHIO WORKING

22 2007 JULY 17 CHANGE OF OPERATIONS
23 AT YELLOW TRANSPORTATION HAVE ALWAYS BEEN
24 PRODUCTIVE AND EFFICIENT IN PERFORMING THEIR
25 DUTIES.

25 "THE COLUMBUS, OHIO FACILITY HAS

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1 RECEIVED SEVERAL AWARDS FOR LOAD FACTOR
2 EFFICIENCY, PRODUCTIVITY, SAFETY AND
3 CUSTOMER RELATIONS.

4 "AT TIMES THE COLUMBUS, OHIO FACILITY
5 WAS NO. 1 IN THE COMPANY.

6 "EVEN THOUGH WE RECOGNIZE THE EVER
7 CHANGING NEEDS IN ORDER TO COMPETE WITH
8 NON-UNION CARRIERS, WE WOULD REQUEST THAT IF
9 THE CHANGE IS APPROVED THAT OUR MEMBERS BE
10 PROTECTED.

11 "WE HAVE A LOT OF HARD WORKING
12 TEAMSTERS THAT ARE BEING DISPLACED. THESE
13 MEN AND WOMEN PAY OUR SALARIES BOTH LOCALLY
14 AND AT THE INTERNATIONAL LEVEL. THEY
15 DESERVE THE BEST POSSIBLE REPRESENTATION
16 THEY CAN GET.

17 "AGAIN, LOCAL 413 OBJECTS TO THE
18 CHANGE, BUT WE FEEL WE ARE OBLIGATED TO THE
19 MEMBERS TO TRY TO REDUCE THE PROPOSED
20 NUMBERS IN THE CHANGE IF POSSIBLE.

21 "LOCAL 413 WOULD REQUEST THAT THE
22 COMPANY RECONSIDER THE FOLLOWING:

23 "THAT COLUMBUS SHOULD MAINTAIN ON THE
24 ROAD PRIMARIES TO ST. LOUIS, CHARLOTTE,

25

2007JULY17CHANGEOFOPERATIONS
BUFFALO, MEMPHIS, COLDWATER, INDIANAPOLIS,

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1 NASHVILLE, RFO, ROANOKE AND CLEVELAND, OHIO.

2 "ALSO MAINTAIN THE RIGHT TO RUN
3 REFERRALS TO CHICAGO AND LCP.

4 "WITH COLUMBUS MAINTAINING THE WORK WE
5 COULD REDUCE THE NEGATIVE IMPACT ON
6 COLUMBUS, OHIO MAINTAINING ADDITIONAL
7 DRIVERS, MECHANICS AND LOCAL CARTAGE
8 EMPLOYEES. THIS WOULD STILL ALLOW THE
9 COMPANY TO OPERATE IN A COMPETITIVE AND
10 EFFICIENT MANNER.

11 "THE COMPANY MUST GUARANTEE THAT THE
12 WORK LEFT IN COLUMBUS, OHIO WILL SUPPORT THE
13 NUMBER OF MEMBERS THAT WILL BE LEFT."

14 WITH ALL DUE RESPECT, MR. CHAIRMAN,
15 LOCAL 413 WOULD REQUEST THE FOLLOWING BE ENTERED INTO
16 THE RECORD.

17 IMPLEMENTATION DATE THAT THE COMPANY
18 HAS PROPOSED OF SEPTEMBER 2ND LEAVES MEMBERS FIVE DAYS
19 SHORT ON CONTRIBUTORY YEAR TOWARDS THEIR PENSION.
20 WE WOULD REQUEST THAT THE IMPLEMENTATION DATE BE
21 EXTENDED TO SEPTEMBER 10, 2007.

22 LOCAL 413 WOULD REQUEST THAT THE
23 CURRENT NON-DRIVER QUALIFIED EMPLOYEES THAT HIRED OR
24 TRANSFERRED IN COLUMBUS, OHIO BE RED CIRCLED AND
25 PROTECTED FOR PURE DOCK WORK IN COLUMBUS, OHIO.

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1 THE COMPANY HAS PROPOSED TO CLOSE THE
2 COLUMBUS, OHIO D.C. BREAKBULK SERVICE CENTER. THE
3 COMPANY HAS STATED IT WILL BE AN END OF THE LINE
4 FACILITY.

5 LOCAL 413 WOULD REQUEST THAT ALL BIDS
6 BE PUT IN PLACE AFTER THE CHANGE BE MONDAY THROUGH
7 FRIDAY. SATURDAY AND SUNDAY WOULD BE PREMIUM DAYS AND
8 PAID IN ACCORDANCE WITH THE NATIONAL MASTER FREIGHT
9 AGREEMENT.

10 THE COLUMBUS SENIORITY PRACTICE WOULD
11 REMAIN IN FULL EFFECT AS IT HAS IN THE PAST.

12 LOCAL 413 WOULD REQUEST THAT ANY DRIVER
13 QUALIFIED EMPLOYEE THAT REMAINS ON THE COLUMBUS
14 SENIORITY LIST THAT WOULD BE UNABLE TO OBTAIN A DOT
15 MEDICAL CERTIFICATE BE ENTITLED TO WORK THE DOCK YARD
16 IN SENIORITY ORDER.

17 LOCAL 413 WOULD REQUEST A 180 DAY
18 WINDOW PERIOD IF THIS CHANGE IS APPROVED.

19 WE WOULD ALSO REQUEST A HOLD-DOWN BID
20 BE FOR MEMBERS THAT ELECT TO TRANSFER THAT ARE
21 CURRENTLY ON OJI OR LONG-TERM DISABILITY.

22 LOCAL 413 WOULD REQUEST THAT THE
23 COMPANY IDENTIFY THE WORK THAT WILL REMAIN IN
24 COLUMBUS, OHIO (ON THE ROAD, LOCAL CARTAGE, AND
25 COLUMBUS SHOP).

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1 WE WOULD ALSO REQUEST THAT THE COMPANY
2 MEET WITH THE LOCAL UNION TO DEVELOP BIDS AND
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3 WORKRULES THAT MAY CHANGE DUE TO THE END OF THE LINE
4 TERMINAL IF THE CHANGE IS APPROVED BEING IMPLEMENTED
5 IN COLUMBUS, OHIO.

6 WE WOULD ALSO REQUEST THAT

7 EMPLOYEE/MEMBERS PURSUANT TO ARTICLE 8.6 THAT THE 60
8 DAY QUALIFICATION PERIOD TO BECOME CDL DRIVER
9 QUALIFIED BE INCREASED TO 90 DAYS FOR THE FOLKS THAT
10 ARE TRYING TO QUALIFY IN COLUMBUS IN ORDER TO
11 TRANSFER.

12 WITH THAT, MR. CHAIRMAN, I WILL TURN IT
13 OVER TO MR. RAVER WHO HAS A FEW QUESTIONS.

14 CHAIRMAN SWEETON: HOLD ON JUST A SECOND
15 HERE. WE ARE GOING TO LET THE COMPANY ANSWER THESE
16 QUESTIONS.

17 MR. JONES: OKAY.

18 MR. BOOTHE: ROD BOOTHE FOR YELLOW
19 TRANSPORTATION. I WOULD LIKE TO START WITH PAGE 2
20 OF MR. JONES OPENING STATEMENT. THE FIRST PARAGRAPH
21 THAT COLUMBUS SHOULD MAINTAIN ON THE ROAD PRIMARIES TO
22 ST. LOUIS, CHARLOTTE, BUFFALO, MEMPHIS, COLD WATER,
23 INDIANAPOLIS, NASHVILLE. THE COMPANY HAS CLARIFIED IN
24 MEETINGS WITH THE LOCAL AND WITH THE AMENDMENTS OF
25 THIS CHANGE AND FOR CLARIFICATION OF THIS COMMITTEE

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1 WOULD BE ST. LOUIS, CHARLOTTE, BUFFALO, MEMPHIS,
2 COLD WATER, INDIANAPOLIS AND NASHVILLE. NOT RFO OR
3 CLEVELAND. THEY HAVE THE PRIMARY INTO COLUMBUS AND IF
4 YOU READ THE CHANGE, ROANOKE IS BEING DISCONNECTED
5 FROM COLUMBUS, OHIO.

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6 MR. BRYANT: ARE YOU SAYING THEY ARE
7 MAINTAINING ALL THEIR PRIMARIES TODAY, THAT THEY HAVE
8 TODAY, THEY WILL MAINTAIN TOMORROW?

9 MR. BOOTHE: NO. THE PRIMARIES THEY ARE
10 GOING TO MAINTAIN -- I WILL READ THEM AGAIN -- WOULD
11 BE ST. LOUIS, CHARLOTTE, BUFFALO, MEMPHIS, COLD WATER,
12 INDIANAPOLIS AND NASHVILLE, TENNESSEE.

13 CHAIRMAN SWEETON: GO AHEAD.

14 MR. BOOTHE: THE NEXT SENTENCE, "ALSO
15 MAINTAIN THE RIGHT TO RUN REVERSALS TO CHICAGO AND
16 LCP." THE COMPANY HAS ADDRESSED THIS IN OUR OPENING
17 STATEMENT AS WELL AS OUR OPERATING STATEMENT AT THE
18 BEGINNING OF THE CHANGE.

19 THE NEXT PARAGRAPH, "WITH COLUMBUS
20 MAINTAINING THIS WORK WE COULD REDUCE THE NEGATIVE
21 IMPACT ON COLUMBUS, OHIO." THE COMPANY IN MEETINGS
22 THAT WERE HELD WITH THE LOCAL HAS IDENTIFIED THE GAINS
23 AND LOSSES, AND THE COMPANY STANDS BY THEIR NUMBERS.

24 NEXT ONE, "THE COMPANY MUST GUARANTEE
25 THAT THE WORK LEFT IN COLUMBUS WILL SUPPORT THE NUMBER

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1 OF MEMBERS THAT WOULD BE LEFT." COLUMBUS CURRENTLY
2 HAS SOME EMPLOYEES ON LAYOFF. AFTER THIS CHANGE THE
3 WORK LEFT IN COLUMBUS WILL BE PERFORMED BY COLUMBUS
4 EMPLOYEES.

5 GOING TO THE PAGE OF QUESTIONS.

6 NO. 1. THE IMPLEMENTATION DATE, I WILL
7 LEAVE IT UP TO THE COMMITTEE, BUT THE COMPANY WOULD
8 AGREE NOT TO IMPLEMENT ANY SOONER THAN 9-9-07.

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9 NO. 2. "LOCAL 413 WOULD REQUEST THE
10 CURRENT NON-DRIVER QUALIFIED EMPLOYEES THAT HIRED OR
11 TRANSFERRED IN COLUMBUS BE RED CIRCLED." THE COMPANY
12 HAS AGREED WITH THE LOCAL UNIONS TO SIT DOWN AND
13 DISCUSS WITH THE LOCAL UNION AFTER THE CHANGE, THIS
14 PARTICULAR ISSUE.

15 NO. 4. "LOCAL 413 WOULD REQUEST THAT
16 ALL BIDS BE PUT IN PLACE AFTER THE CHANGE BE MONDAY
17 THROUGH FRIDAY." AS DISCUSSED IN MEETINGS WITH THE
18 LOCAL UNION, THE LOCAL CARTAGE OPERATION WILL BE
19 MONDAY THROUGH FRIDAY. THE LINEHAUL RELAY AND SHOP
20 WILL BE 24 HOURS A DAY, SEVEN DAYS A WEEK OPERATION.

21 "THE COLUMBUS SENIORITY PRACTICE WILL
22 REMAIN INTACT."

23 NO. 6. "LOCAL 413 WOULD REQUEST THAT
24 ANY DRIVER QUALIFIED EMPLOYEES THAT REMAINS ON THE
25 COLUMBUS SENIORITY LIST THAT ARE UNABLE TO OBTAIN A

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1 DOT MEDICAL CERTIFY BE ENTITLED TO WORK THE DOCK/YARD
2 IN SENIORITY ORDER." IN MEETINGS HELD WITH THE LOCAL
3 UNION, THE COMPANY AGREED TO SIT DOWN AND DISCUSS THIS
4 ISSUE WITH THE LOCAL AFTER THE CHANGE.

5 NEXT QUESTION, NO. 7, BOB JONES, YELLOW
6 TRANSPORTATION, "LOCAL 413 WOULD REQUEST 180 DAY
7 WINDOW PERIOD." MR. CHAIRMAN, THE COMPANY OBJECTS TO
8 A WINDOW PERIOD BASED ON THE NUMBERS BEING EVEN IN
9 THIS CHANGE.

10 QUESTION 8. "LOCAL 413 WOULD REQUEST
11 HOLD DOWN BIDS FOR MEMBERS THAT ELECT TO TRANSFER THAT

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12 ARE CURRENTLY ON OJI OR LTD." THE COMPANY WILL ABIDE
13 BY COMMITTEE DECISION IN THAT REGARD.

14 MR. JONES: MR. CHAIRMAN, CAN I RESPOND TO
15 THE QUESTION?

16 CHAIRMAN SWEETON: JUST LET HIM GO AHEAD AND
17 FINISH RESPONDING.

18 MR. BOOTHE: ROD BOOTHE AGAIN, YELLOW
19 TRANSPORTATION.

20 NO. 9. "LOCAL 413 WOULD REQUEST THAT
21 THE COMPANY IDENTIFY THE WORK THAT WILL REMAIN IN
22 COLUMBUS, OHIO." IN MEETINGS HELD WITH THE LOCAL, THE
23 COMPANY HAS IDENTIFIED THIS WORK AS WELL AS THE FILING
24 OF THIS CHANGE AND THE AMENDMENT AND THE OPENING
25 STATEMENT CONCERNING THIS CHANGE.

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1 CHAIRMAN SWEETON: LET ME ASK YOU A
2 QUESTION. YOU SAID YOU HAD IDENTIFIED THAT WORK TO
3 THE LOCAL UNION ALREADY?

4 MR. BOOTHE: YES, SIR.

5 CHAIRMAN SWEETON: THANK YOU. CAN YOU
6 IDENTIFY FOR THIS COMMITTEE?

7 MR. BOOTHE: YES, SIR. IT WOULD BE THE
8 LOCAL COLUMBUS P&D WORK FOR THE LOCAL CARTAGE PEOPLE.
9 THE RELAY AS I HAVE ALREADY TALKED ABOUT EARLIER. AND
10 NAMED THEM BY NAME: ST. LOUIS, CHARLOTTE, BUFFALO,
11 MEMPHIS, COLD WATER, INDIANAPOLIS AND NASHVILLE, AND
12 THEN IDENTIFIED WHAT THE SHOP WOULD BE TO TAKE CARE OF
13 ANY OF THE LOCAL EQUIPMENT THAT WOULD BE THERE: CITY
14 TRACTORS, YARD TRACTORS, TOW MOTORS, AS WELL AS THE

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15 ROAD UNITS AND TRAILERS COMING THROUGH ON THE RELAY
16 AND BEING DISPATCHED OUT OF COLUMBUS, OHIO.
17 NO. 10. "LOCAL 413 WOULD REQUEST THE
18 COMPANY TO MEET WITH THE LOCAL UNION TO DEVELOP BIDS
19 AND WORKRULES THAT MAY CHANGE DUE TO THE END OF THE
20 LINE TERMINAL IF THE CHANGE IS APPROVED." THE
21 COMPANY, AGAIN, AGREED WITH THE LOCAL UNION AT
22 MEETINGS THAT WE WILL SIT DOWN WITH THE LOCAL AND TALK
23 ABOUT NEW WORKRULE CHANGES THAT WOULD BE NECESSARY,
24 BUT THE COMPANY WILL BID THE EMPLOYEES WHERE THEY ARE
25 NEEDED BASED ON THE WORKFLOW AND PROVIDE THE LOCAL

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1 UNION WITH COPIES OF THE BIDS.
2 MR. JONES: BOB JONES, AGAIN, FOR YELLOW
3 TRANSPORTATION. NO. 11, MR. CHAIRMAN. "LOCAL UNION
4 413 WOULD REQUEST EMPLOYEE MEMBERS PURSUANT TO ARTICLE
5 8.6 HAVE 90 DAYS TO BECOME DRIVER QUALIFIED IN ORDER
6 TO TRANSFER, AN ADDITIONAL 30 DAYS." THE CONTRACT
7 WILL APPLY.

8 CHAIRMAN SWEETON: NOW, LOCAL UNION.

9 MR. JONES: YES. I WOULD LIKE TO RESPOND TO
10 THE ANSWER THAT HE GAVE ON QUESTION NO. 7, "LOCAL 413
11 WOULD REQUEST A 180 DAY WINDOW PERIOD." IN THE LOCAL
12 LEVEL MEETING THAT WE HAD, IT WAS PROPOSED 120 DAY
13 WINDOW PERIOD AND THE COMPANY SAID THAT THEY WOULD NOT
14 DISPUTE THAT. AND HERE TODAY THEY SAID THEY ARE NOT
15 WILLING TO PROPOSE A WINDOW PERIOD.

16 CHAIRMAN SWEETON: GENTLEMEN, THAT WILL BE
17 ADDRESSED IN OUR DECISION FROM THIS COMMITTEE.

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18 MR. JONES: THANK YOU, MR. CHAIRMAN.
19 MR. BOOTHE: THANK YOU.
20 MR. LYTHE: I HAVE A QUESTION, MR. CHAIRMAN,
21 OF THE COMPANY. I UNDERSTAND THAT YOU MOVE PEOPLE
22 BASED ON TRANSFER BILLS PER WEEK, AND AS YOU GUYS MAY
23 BE RIGHT, BUT WHAT BRINGS MY QUESTION, AS I LOOK AT
24 INDIANAPOLIS, YOU HAVE 337 TRANSFERRED BILLS
25 TRANSFERRING THREE POSITIONS, WHICH IS APPROXIMATELY

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1 110 TRANSFER BILLS PER PERSON, BUT WHEN I LOOK AT 413,
2 TRANSFERRING APPROXIMATELY 443 TRANSFER BILLS, IF I
3 USE THE SAME 110, I COME UP WITH 39 POSITIONS RATHER
4 THAN 63. WHAT'S THE REASON FOR THAT?

5 MR. JONES: MR. CHAIRMAN, BOB JONES, YELLOW
6 TRANSPORTATION, I WILL DEFER TO PETE CHENEY, SENIOR
7 DIRECTOR OF OPERATIONS FOR THAT RESPONSE PLEASE.

8 MR. CHENEY: EVERY LOCAL, EVERY OPERATION WE
9 HAVE HAS DIFFERENT PRODUCTIVITY. WE USE THE
10 PRODUCTIVITY THAT EXISTS AT THAT TERMINAL TO DETERMINE
11 THE WORK NUMBERS AT THAT LOCATION. IT IS ALSO TRUE
12 THAT NOT ALL OPERATIONS ARE GOING TO RECEIVE THE SAME
13 AMOUNT OF WORK, AND IN THE CASE OF 413, WE DID ADD
14 SOME ADDITIONAL WORK MOVES OUT OF COLUMBUS, AND IT IS
15 ALSO TRUE THAT THERE IS YARD WORK ASSOCIATED WITH
16 THOSE LOCAL CARTAGE MOVES ALSO THAT YOU DON'T ACTUALLY
17 SEE BROKE OUT IN THOSE NUMBERS. SO PART OF IT IS
18 YARD; PART OF IT IS DOCK WORK. IT IS ALL ROLLED
19 TOGETHER WHEN WE DO LOCAL CARTAGE MOVES.

20 THOSE ARE THE TWO MAIN REASONS. IN THE
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21 CASE OF COLUMBUS, THE REASON THEIR NUMBERS ARE
22 INFLATED SOMEWHAT HAS TO DO WITH THE FACT THAT WE
23 WANTED TO AFFORD THE LOCAL OPERATION PEOPLE TO FOLLOW
24 THEIR WORK. IN THIS CHANGE THERE ACTUALLY IS AN
25 INEFFICIENCY ON THE DOCK WORK. WE ARE ACTUALLY ADDING

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1 ADDITIONAL TRANSFERS IN OUR NETWORK BASED ON THIS
2 CHANGE, BUT WE WANTED TO AFFORD THOSE OTHER PEOPLE AN
3 OPPORTUNITY TO FOLLOW THEIR WORK ELSEWHERE.

4 MR. LYTHE: IT SEEMS TO ME THAT YOU GOT MORE
5 PEOPLE FOLLOWING WORK THAN YOU HAVE WORK FOR BASED ON
6 THE TRANSFER BILL, SO I GUESS THE ONLY QUESTION I HAVE
7 THAT REMAINS IS, THESE PEOPLE TRANSFERRING, YOU
8 GUARANTEEING WORK FOR THEM?

9 MR. CHENEY: YES. THAT IS ABSOLUTELY TRUE.
10 THE FACT THAT ON THE GAINING SIDE, THERE IS WORK
11 THERE. THERE WAS LESS WORK BEING LOST AT COLUMBUS
12 THAN THERE IS GAININGS AT THE GAINING LOCATIONS.

13 MR. JONES: BOB JONES FOR YELLOW
14 TRANSPORTATION, AGAIN, BASED ON CURRENT ECONOMIC
15 CONDITIONS, WE ARE GUARANTEEING THOSE AND THESE OTHER
16 ISSUE, WE WILL STAND BY OUR NUMBERS IN REGARDS TO
17 TRANSFERRING AND EMPLOYEES BEING AFFORDED THE
18 OPPORTUNITY FOR THEIR WORK.

19 MR. LYTHE: THAT IS REALLY A BIG DIFFERENCE
20 WHEN I HEAR THAT 413 GOES ON THE RECORD AND THEY ARE
21 ONE OF THE MOST PRODUCTIVE IN YOUR SYSTEM; IS THAT
22 UNTRUE?

23 MR. JONES: WELL, HOW THAT HAPPENS MR. LYTHE
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24 IS SIMPLY THIS: THERE IS AN ISSUE WITH LOCAL FREIGHT
25 THAT CURRENTLY COLUMBUS GETS 550 TO 600 BILLS AN

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1 EVENING OUT OF THEIR LOCAL CITY OPERATION. THOSE
2 BILLS ARE NOT TRANSFER BILLS IN COLUMBUS, THEY WILL
3 BECOME TRANSFER BILLS IN CHICAGO, INDIANAPOLIS,
4 NASHVILLE. THAT'S WHY WE AFFORDED THOSE EXTRA 3,000
5 BILLS, MULTIPLY THE CITY BILLS DAILY, TIMES THE WEEKLY
6 TOTAL. YOU ARE GOING TO GET AN ADDITIONAL 3,000 BILLS
7 THAT DIDN'T SHOW A TRANSFER AT COLUMBUS THAT WILL NEED
8 TO BE TRANSFERRED AT THESE OTHER LOCATIONS. THAT'S
9 WHY WE ARE AFFORDING THEM THE WORK OPPORTUNITY.

10 CHAIRMAN SWEETON: COMPANY, BASED ON YOUR
11 NUMBERS, YOU ARE GUARANTEEING THE WORK PROVIDED, THE
12 MOVES, AND THOSE PEOPLE WILL BE GUARANTEED WORK AT THE
13 GAINING DOMICILES THEY ARE GOING INTO; IS THAT
14 CORRECT?

15 MR. JONES: BASED ON CURRENT ECONOMIC
16 CONDITIONS, MR. CHAIRMAN, YES.

17 CHAIRMAN SWEETON: GO AHEAD LOCAL UNION.

18 MR. RAVER: BUD RAVER FOR LOCAL 413. IF
19 THIS CHANGE IS APPROVED, WHICH WE STRONGLY OBJECT TO
20 THIS CHANGE AND THE LOSS OF WORK IN COLUMBUS, OHIO,
21 THE REMAINING ROAD DRIVERS WILL BE 107; AM I CORRECT?
22 QUESTION TO THE COMPANY.

23 CHAIRMAN SWEETON: COMPANY.

24 MR. BOOTHE: BUD, I HAVE NO IDEA KNOWING
25 WHAT THE FINAL NUMBER WILL BE, BUT WE DO KNOW THAT THE

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1 WORK IN COLUMBUS WILL BE DONE BY COLUMBUS EMPLOYEES.

2 MR. RAVER: I PROVIDED THE COMPANY THIS
3 STATEMENT, AND I THINK THAT YOU AND I HAD DISCUSSIONS
4 ON THE PHONE, AND I THINK THAT WE WENT DOWN AND I HAD
5 THE SENIORITY LIST HERE, AND I THINK THAT YOU AND I
6 AGREED ON THE RECORD THAT THERE WOULD BE APPROXIMATELY
7 107 PEOPLE LEFT IN COLUMBUS, OHIO.

8 MR. MATHIS: BUD, THAT SOUNDS RIGHT. I
9 DON'T HAVE YOUR LIST IN FRONT OF ME. IT SOUNDS --
10 THAT SOUNDS RIGHT. I JUST DON'T HAVE YOUR LIST IN
11 FRONT OF ME, BUT THE CHANGE IS GOOD FOR 66, AND WHAT
12 IS LEFT EQUALS YOUR CURRENT SENIORITY LIST. IT SOUNDS
13 FAIR TO ME.

14 MR. RAVER: I WILL PROVIDE YOU WITH THE
15 SENIORITY LIST.

16 CHAIRMAN SWEETON: OKAY.

17 MR. RAVER: WILL THE COMPANY PROTECT THE
18 REMAINING DRIVERS AND HOW ARE YOU GOING TO PROTECT
19 THEM?

20 MR. BOOTHE: ROD BOOTHE FOR YELLOW
21 TRANSPORTATION. COLUMBUS, AGAIN, CURRENTLY HAS
22 EMPLOYEES ON LAYOFF. WORK REMAINING IN COLUMBUS, OHIO
23 WILL BE PERFORMED BY THE COLUMBUS, OHIO EMPLOYEES.

24 MR. RAVER: ALSO, I THINK YOU TRIED TO
25 ANSWER THIS FOR TONY, BUT WE WOULD LIKE TO KNOW WHERE

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1 THE FREIGHT IS COMING FROM.

2 MR. BOOTHE: AGAIN, ROD BOOTHE WITH YELLOW
3 TRANSPORTATION. THIS HAS BEEN IDENTIFIED IN LOCAL
4 MEETINGS HELD WITH THE LOCAL 413. AND IT IS THE LOCAL
5 COLUMBUS CITY WORK FOR THE P&D OPERATION AND RELAY
6 WORK TO, AS MENTIONED BEFORE, CHARLOTTE, ST. LOUIS,
7 MEMPHIS, BUFFALO, NASHVILLE, COLD WATER AND
8 INDIANAPOLIS. THE SHOP WORK, AGAIN, WILL BE THE WORK
9 OF THE LOCAL UNITS IN COLUMBUS, OHIO: CITY TRACTORS,
10 YARD UNITS, THE TOW MOTORS AS WELL AS ROAD TRACTORS
11 AND TRAILERS COMING IN FROM THE RELAY AND BEING
12 DISPATCHED OUT OF COLUMBUS, OHIO AND ALSO SHOWN BY THE
13 AMENDMENT THAT HAS BEEN PUBLISHED HERE TODAY.

14 MR. RAVER: ALSO, WE ARE GOING TO PERFORM
15 P.M.'S IN THE SHOP; AM I CORRECT?

16 MR. BOOTHE: CERTAIN AMOUNT. MR. PABST HAS
17 SAID YES.

18 MR. RAVER: ARE YOU GOING TO PROTECT THE
19 WORK IN COLUMBUS THAT IS NOT IDENTIFIED AS A LOSS IN
20 THIS CHANGE?

21 MR. BOOTHE: ROD BOOTHE FOR YELLOW
22 TRANSPORTATION. AGAIN, COLUMBUS CURRENTLY HAS
23 EMPLOYEES ON LAYOFF. WORK REMAINING IN COLUMBUS, OHIO
24 WILL BE PERFORMED BY THE COLUMBUS OHIO EMPLOYEES.

25 MR. RAVER: SO YOU ARE SAYING YOU ARE GOING

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1 TO PROTECT THE WORK THAT IS NOT IDENTIFIED IN THIS
2 CHANGE THAT IS PRESENTLY BEING PERFORMED?
3 MR. BOOTHE: (NO RESPONSE.)

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4 MR. BRYANT: YOU WILL HAVE TO ANSWER OUT

5 LOUD. SHE CAN'T HEAR YOU.

6 MR. BOOTHE: I AM SORRY. CORRECT.

7 MR. RAVER: THANK YOU.

8 ANYTHING THAT COLUMBUS GAINED ON THE
9 2004 CHANGE THAT IS NOT IDENTIFIED IN THIS CHANGE,
10 COLUMBUS WILL MAINTAIN; AM I CORRECT?

11 MR. BOOTHE: AGAIN, THIS INFORMATION HAS
12 BEEN TALKED ABOUT IN LOCAL MEETINGS WITH YOU, THE WORK
13 THAT IS LEAVING COLUMBUS HAS BEEN IDENTIFIED. THE
14 WORK REMAINING IN COLUMBUS HAS BEEN IDENTIFIED. I
15 THINK I HAVE DONE THAT A COUPLE OF TIMES ON THE
16 RECORD.

17 MR. RAVER: I THINK WHAT WE ARE DOING,
18 AGAIN, THE LAST QUESTION AND THIS QUESTION ARE
19 RELATED -- AND WE WOULD REALLY LIKE TO HAVE AN ANSWER
20 ON THAT. IF IT IS NOT IDENTIFIED IN THIS CHANGE AS A
21 LOSS, THEN WE ARE GOING TO BE ABLE TO MAINTAIN THAT
22 WORK; AM I CORRECT?

23 MR. BOOTHE: YES.

24 MR. JONES: YES.

25 CHAIRMAN SWEETON: THE ANSWER WILL BE YES.

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1 IF YOU DON'T IDENTIFY THAT BEING MOVED IN THIS CHANGE,
2 THEN YOU WILL KEEP THAT WORK.

3 MR. JONES: BOB JONES FOR YELLOW: YES,
4 MR. CHAIRMAN.

5 MR. RAVER: COLUMBUS, OHIO DRIVERS CONTINUE
6 TO RUN ON A PRIMARY ST. LOUIS, INDIANAPOLIS,

2007JULY17CHANGEOFOPERATIONS
7 COLD WATER, CHARLOTTE, NASHVILLE, BUFFALO, AND MEMPHIS
8 IS WHAT YOU JUST IDENTIFIED.

9 MR. BOOTHE: THAT'S CORRECT.

10 MR. RAVER: COLUMBUS DRIVERS DO RUN
11 CLEVELAND AND RFO; ARE YOU SAYING THAT IS ON A
12 REVERSAL?

13 MR. BOOTHE: CLEVELAND AND RFO PRESENTLY
14 HAVE THE PRIMARY INTO COLUMBUS, OHIO. COLUMBUS WOULD
15 SIMPLY BE PERFORMING THAT WORK ON A REVERSE BASIS.

16 MR. RAVER: OKAY. ARE COLUMBUS ROAD DRIVERS
17 TRANSFERRING TO CHICAGO OR ARE THEY GOING TO BE
18 DOVE-TAILED?

19 MR. JONES: BOB JONES FOR YELLOW
20 TRANSPORTATION, MR. CHAIRMAN, WE WILL ABIDE BY THE
21 COMMITTEE DECISION.

22 MR. RAVER: AGAIN, LOCAL 413 WILL REQUEST A
23 120 DAY WINDOW PERIOD AS THE COMPANY AGREED TO IN OUR
24 LOCAL LEVEL MEETING WITH US DUE TO THE FACT THAT THE
25 IMPACT OF THIS CHANGE AND THE NUMBERS -- THE NUMBERS

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1 IN COLUMBUS

2 CHAIRMAN SWEETON: I UNDERSTAND BUD AND THAT
3 WILL BE ADDRESSED IN THE DECISION.

4 MR. RAVER: THANK YOU, MR. CHAIRMAN.

5 ALSO, ARTICLE 5, SECTION 5 WILL APPLY
6 FOR THE ROAD DRIVERS; IS THAT CORRECT?

7 CHAIRMAN SWEETON: ARTICLE 5, SECTION 5 WILL
8 ALWAYS APPLY AS THE CONTRACT STATES.

9 MR. RAVER: IS THE COMPANY GOING TO PROTECT

2007 JULY 17 CHANGE OF OPERATIONS
10 THE TRANSFERRED SHOP MECHANICS FROM LAYOFF AT THE
11 INDIANAPOLIS AND CLEVELAND LOCATIONS SINCE THEIR WORK
12 IS GOING TO BE PERFORMED IN THEM LOCATIONS?

13 MR. BOOTHE: ROD BOOTHE FOR YELLOW
14 TRANSPORTATION. NO. THEY ARE END TAILING IN BOTH
15 LOCATIONS.

16 CHAIRMAN SWEETON: BUT THEY ARE TAKING
17 ENOUGH WORK THAT THEY ARE GOING TO BE EMPLOYED. THEY
18 ARE NOT GOING INTO A LAID OFF SITUATION; IS THAT
19 CORRECT?

20 MR. JONES: THAT IS CORRECT.

21 MR. BOOTHE: THAT IS CORRECT.

22 MR. WILKINSON: MR. CHAIRMAN, I WOULD LIKE
23 TO SAY SOMETHING. JIM WILKINSON, LOCAL 135. AT THIS
24 PRESENT TIME, WE ARE HIRING IN OUR SHOP.

25 CHAIRMAN SWEETON: WE JUST WANT IT ON RECORD

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1 THAT THESE PEOPLE ARE NOT BEING MOVED INTO LAYOFF.
2 THERE WILL BE WORK THERE TO PROTECT THEM.

3 MR. JONES: THAT IS CORRECT, MR. CHAIRMAN.

4 MR. RAVER: AGAIN, WILL THE COMPANY PROTECT
5 THE REMAINING SHOP MECHANICS AND ONLY 23 TO BE
6 TRANSFERRED OR LAID OFF?

7 CHAIRMAN SWEETON: BUD, IF THEY DON'T, YOU
8 HAVE PROVISIONS ON THE CONTRACT TO COME BACK HERE.

9 MR. RAVER: THANK YOU, MR. CHAIRMAN.

10 EMPLOYEES ON LONG-TERM DISABILITY AT
11 THE TIME OF THIS BID SHALL BE ALLOWED TO BID; AM I
12 CORRECT?

13 2007JULY17CHANGEOFOPERATIONS
13 MR. JONES: BOB JONES, YELLOW

14 TRANSPORTATION. THE CONTRACT WILL APPLY,
15 MR. CHAIRMAN.

16 MR. RAVER: MR. CHAIRMAN, THAT'S ALL I HAVE
17 AT THIS TIME. I HAVE MY ROAD STEWARD WITH ME AND ALSO
18 WE HAVE OUR STEWARD FROM THE SHOP AND THE LOCAL
19 CARTAGE STEWARD HERE. SINCE I WAS INTO THE ROAD
20 QUESTIONS, I WILL ALLOW KENNY HOGAN TO GO FIRST.

21 CHAIRMAN SWEETON: LOCAL UNION READY. YOU
22 ALL READY.

23 MR. JONES: I THINK SO, YES.

24 CHAIRMAN SWEETON: BACK ON THE RECORD.

25 QUESTION I WANT TO ASK TO THE COMPANY. I SEE THE

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1 SENIORITY LIST AND APPARENTLY YOU HAVE 173 ACTIVE
2 RIGHT NOW..

3 MR. BOOTHE: SOUNDS ABOUT RIGHT.

4 CHAIRMAN SWEETON: SO WITH YOU MOVING THE
5 ROAD DRIVERS OUT, THAT SHOULD LEAVE 107 ACTIVE
6 EMPLOYEES ON THE ROAD BOARD; CORRECT?

7 MR. JONES: WE HAVE -- WHAT -- DOES THAT
8 ACCOUNT FOR THE LAID OFF EMPLOYEES?

9 CHAIRMAN SWEETON: NO. NO. YOU HAVE 173
10 ACTIVE.

11 MR. BOOTHE: YES.

12 CHAIRMAN SWEETON: NOT COUNTING THE LAID OFF
13 PEOPLE.

14 MR. JONES: I DON'T KNOW, MR. CHAIRMAN.

15 CHAIRMAN SWEETON: BUD, YOU GOT THAT. TAKE

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16 IT OVER TO THEM AND LET THEM LOOK AT IT.

17 MR. MATHIS: BUD, THAT IS THE ACTIVE LIST

18 THAT IS NOT ON LAYOFF THAT YOU ARE PROVIDING THEM?

19 MR. RAVER: YES.

20 CHAIRMAN SWEETON: 173 ACTIVE DOES NOT COUNT

21 THE LAID OFF PEOPLE?

22 MR. RAVER: THAT IS GOING TO BE REMAIN, YES.

23 GOES DOWN TO LEVER.

24 MR. BOOTHE: BUD.

25 (OFF THE RECORD)

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1 MR. BOOTHE: IT IS 105.

2 CHAIRMAN SWEETON: BACK ON THE RECORD. SO

3 THERE WILL BE APPROXIMATELY 105 ACTIVE ROAD DRIVERS

4 LEFT AFTER THE CHANGE.

5 MR. BOOTHE: THAT IS CORRECT.

6 CHAIRMAN SWEETON: THANK YOU.

7 MR. RAVER: THANK YOU.

8 CHAIRMAN SWEETON: LOCAL UNION, GO AHEAD

9 WITH WHAT YOU HAVE.

10 MR. RAVER: GENTLEMEN, AT THIS TIME I WILL

11 TURN IT OVER TO KENNY HOGAN, ROAD STEWARD, AND I

12 RESERVE THE RIGHT TO BE ABLE TO INTERJECT AND ALSO

13 MR. JONES.

14 CHAIRMAN SWEETON: GO AHEAD. STATE YOUR

15 NAME, SIR.

16 MR. HOGAN: KENNY HOGAN, ROAD STEWARD. YOU

17 KNOW 413 SAID WE OBJECT TO THE CHANGE AND EVERYTHING.

18 CHAIRMAN SWEETON: YOU HAVE TO SPEAK UP SO

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19 SHE CAN HEAR PLEASE.

20 MR. HOGAN: LIKE I SAID, WE OBJECT TO THE
21 CHANGE, OKAY. THE COMPANY IS ADDING EXTRA MILES TO
22 THE RUNS AND THINGS LIKE THAT. WE DISCUSSED THIS WITH
23 THE COMPANY. I WILL GO INTO THE MILES, RIGHT NOW
24 UNLESS THE COMMITTEE REQUESTS SOMETHING ELSE.

25 ON THE PRIMARIES, THE COMPANY STATED

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1 ST. LOUIS, INDY, NASHVILLE, BUFFALO, MEMPHIS,
2 CHARLOTTE AND COLD WATER. ON OUR BIDS WE ALSO HAVE A
3 CHARLOTTE HIGH POINT BID. AND I AM REQUESTING THAT
4 THE HIGH POINT BE ADDED IN THE PRIMARIES BECAUSE THAT
5 IS PART OF THE CHARLOTTE BID.

6 CHAIRMAN SWEETON: COMPANY RESPONSE.

7 MR. CHENEY: THE HIGH POINT -- THE END OF
8 THE LINE -- END OF THE LINE FACILITY FOR YELLOW WILL
9 BE DISCONNECTED FROM COLUMBUS AND RECONNECTED TO
10 CHARLOTTE, SO THERE WILL BE NO RUNS FROM COLUMBUS TO
11 HIGH POINT ANY LONGER.

12 MR. HOGAN: OKAY. THANK YOU.

13 ON THOSE PRIMARIES, WE WILL STILL BE
14 THE MAIN PRIMARY RUN ON THOSE RUNS. OUR DRIVER WILL
15 BE PROTECTED ON THOSE RUNS, ON OUR PRIMARIES?

16 MR. BOOTHE: UNDER CURRENT ECONOMIC
17 CONDITIONS, AND IF YOU ARE ASKING ABOUT BIDS, THE
18 CENTRAL STATES APPLICATION WILL APPLY.

19 MR. HOGAN: OUR PEOPLE WILL BE PROTECTED ON
20 THOSE PRIMARIES.

21 MR. BOOTHE: UNDER THE CURRENT ECONOMIC

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22 CONDITIONS.

23 MR. RAVER: OUR FORM OF BIDS IN THE CENTRAL

24 CONFERENCE WILL APPLY; CORRECT?

25 MR. BOOTHE: CORRECT.

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1 MR. HOGAN: ON THE BUFFALO, WE WILL STILL
2 MAINTAIN THE PRIMARIES, WE WILL RUN BUFFALO ON THE
3 MEMPHIS FREIGHT WE DISCUSSED; IS THAT ALSO TRUE?

4 MR. BOOTHE: ROD BOOTHE, YELLOW
5 TRANSPORTATION. KENNY, WE ALREADY IDENTIFIED THAT
6 THROUGH THE MEETINGS THAT WE HELD THROUGH THE LOCAL
7 UNION AND THE AMENDMENTS TODAY.

8 MR. HOGAN: YOU STILL MAINTAIN THE 29
9 SCHEDULES FROM THE -- OF THE OTHER PREVIOUS CHANGES?

10 CHAIRMAN SWEETON: YOU ARE NOT GOING TO LOSE
11 ANYTHING THAT HAS BEEN IDENTIFIED AS YOUR WORK UNDER
12 PRESENT CHANGES UNLESS IT IS IDENTIFIED IN THIS CHANGE
13 HERE.

14 MR. HOGAN: THANK YOU, MR. CHAIRMAN. THAT'S
15 ALL I HAVE AT THIS TIME. THANK YOU VERY MUCH.

16 MR. JONES: AT THIS TIME MR. CHAIRMAN, WE
17 HAVE RON SIMMONS LOCAL CARGAGE UNION STEWARD. HE HAS
18 A COUPLE OF THINGS HE WOULD LIKE TO ADDRESS THE
19 COMMITTEE WITH PLEASE.

20 MR. SIMMONS: YES. RON SIMMONS, LOCAL
21 CARGAGE STEWARD. RIGHT AT THIS MOMENT -- WE HEARD THE
22 CHANGE IN SAN DIEGO ON HAGERSTOWN, MARYLAND, I BELIEVE
23 IT WAS JANUARY OF THIS YEAR, AND AS OF RIGHT NOW THAT
24 CHANGE IS STILL PENDING. AND HERE WE SIT LISTENING TO

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25 ANOTHER CHANGE.

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1 MR. JONES: TONY JONES FOR THE RECORD. I
2 THINK WHAT MR. SIMMONS IS ASKING IF THE COMPANY ELECTS
3 TO IMPLEMENT THIS.

4 CO-CHAIRMAN ROBERTS: YOU GOT TO SPEAK UP.
5 WE CAN'T HEAR YOU UP HERE.

6 MR. JONES: HAGERSTOWN CHANGE, THAT THE
7 COMPANY WOULD HAVE TO REAPPLY FOR THAT; IS THAT
8 CORRECT? IT IS NOT PART OF THIS CHANGE.

9 CHAIRMAN SWEETON: IT IS NOT PART OF THIS
10 CHANGE HERE SO IF THEY HAVE DONE ANYTHING, ANY CHANGE
11 THAT HAS BEEN APPROVED HERE, IS APPROVED. IF IT IS
12 NOT, THEN THEY WOULD HAVE TO COME BEFORE US TO GET
13 THAT CHANGE APPROVED.

14 MR. JONES: WITH THAT, MR. CHAIRMAN, WE
15 UNDERSTAND THAT IS NOT THE CHANGE WE ARE HEARING FOR
16 US TODAY, BUT IS THERE A TIME LIMIT ON THE CHANGE ONCE
17 IT IS APPROVED WHEN IT CAN BE IMPLEMENTED. IF THEY
18 DONE THIS DAY TO DAY AS THEY PROPOSED IN THEIR
19 ORIGINAL CHANGE OF OPERATIONS.

20 CHAIRMAN SWEETON: DO YOU HAVE ANY
21 INTENTIONS OF IMPLEMENTING THAT CHANGE?

22 MR. JONES: BOB JONES, YELLOW
23 TRANSPORTATION. NOT AT THIS PRESENT TIME,
24 MR. CHAIRMAN.

25 CHAIRMAN SWEETON: OR IN THE NEAR FUTURE?

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1 MR. JONES: NOT IN THE NEAR FUTURE.
2 MR. SIMMONS: THANK YOU, MR. CHAIRMAN. I
3 WANTED THAT ON RECORD.
4 MR. LYTHE: QUESTION, MR. CHAIRMAN.
5 CHAIRMAN SWEETON: GO AHEAD.
6 MR. LYTHE: IF YOU WAS TO PROCEED WITH THAT
7 CHANGE THAT WAS APPROVED; WOULD YOU BRING IT BACK TO
8 THE CHANGE COMMITTEE OR JUST IMPLEMENT WHAT THE CHANGE
9 COMMITTEE APPROVED PRIOR.
10 MR. JONES: BOB JONES, YELLOW
11 TRANSPORTATION. WE WOULD BRING IT BACK TO THE CHANGE
12 COMMITTEE, MR. CHAIRMAN.
13 MR. LYTHE: THANK YOU.
14 CHAIRMAN SWEETON: ANY OTHER QUESTIONS?
15 MR. SIMMONS: RON SIMMONS AGAIN. ON THESE
16 BILL TRANSFERS, THE GAINING AND LOSING TERMINALS;
17 NASHVILLE GAINING 904 TRANSFERS; CLEVELAND GAINING
18 3,387; CHICAGO GAINING 2,066 AND INDY GAINING 337,
19 WITH A TOTAL OF 6,694 TRANSFERS AND YELLOW IS LOSING
20 4,343 TRANSFERS IN COLUMBUS, A DIFFERENCE OF 2,351
21 TRANSFERS.
22 NOW, I KNOW THE COMPANY SAID THAT WAS
23 OUR CITY FREIGHT THAT WAS MOVED INTO OTHER TERMINALS.
24 I STILL DO NOT UNDERSTAND WHY IT WASN'T MENTIONED IN
25 HERE THAT IS STILL FREIGHT THAT CROSSSES OUR DOCK.

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1 MR. BOOTHE: ROD BOOTHE FOR YELLOW
2 TRANSPORTATION. THE CITY FREIGHT IS PICKED UP IN THE
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3 PROPER CITY OF COLUMBUS, OHIO. THAT IS NOT COUNTED
4 AS A TRANSFER PRESENTLY. AS I EXPLAINED TO YOU IN THE
5 MEETINGS THAT WE HAD EARLIER AND REITERATED WITH
6 MR. JONES IN A SUBSEQUENT MEETING, IT IS ABOUT 550,
7 560 BILLS A NIGHT. YOU DO THE MATH. YOU ARE WELL
8 OVER 3,000 BILLS. THOSE BILLS WILL TRANSFER AT A
9 POINT EITHER IN CHICAGO, CLEVELAND, INDIANAPOLIS OR
10 NASHVILLE. SO THEY ARE TRANSFER BILLS.

11 MR. SIMMONS: THANK YOU.

12 MR. BOOTHE: YOU ARE WELCOME.

13 MR. SIMMONS: IN RESPONSE, MR. CHAIRMAN,
14 LOCAL 407, YES, WE HAVE A SPLIT BOARD IN THE
15 COLUMBUS -- IN THE COLUMBUS LOCAL CARTAGE. WE DO NOT
16 SERVE A PENALTY GOING FROM BOARD TO BOARD. IT IS
17 CARTAGE TO CARTAGE. SO WE WOULD REQUEST THAT THIS IS
18 LOCAL CARTAGE, THE 65 OR 63 PEOPLE BE ABLE TO FOLLOW
19 THEIR WORK NO MATTER WHERE. WE UNDERSTAND WHEN THEY
20 GET TO CLEVELAND, AND IF THEY DECIDED TO GO INTO THE
21 CITY OPERATION, THEN THEY WOULD PAY A PENALTY. MY MEN
22 AND WOMEN UNDERSTAND THAT THEY WOULD HAVE TO GO TO THE
23 DOCK YARD. I WOULD REQUEST THEY BE ALLOWED TO FOLLOW
24 THEIR WORK.

25 CHAIRMAN SWEETON: WE WILL GIVE THAT IN THE

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1 DECISION.

2 MR. RAVER: LET ME MIGHT ADD ON THAT
3 MR. CHAIRMAN, ALSO IN PREVIOUS CHANGE OF OPERATIONS
4 THAT OUR LOCAL CARTAGE HAS COME OUT AS ONE LIST IN ALL
5 PREVIOUS CHANGE OF OPERATIONS, AND WE HAVE NEVER HAD

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6 ANY OBJECTIONS TO THAT, MR. CHAIRMAN.

7 CHAIRMAN SWEETON: WE WILL ADDRESS IT IN THE
8 CHANGE BUD.

9 MR. RAVER: THANK YOU.

10 MR. SIMMONS: ONE LAST THING, I WOULD
11 REQUEST THE REQUIREMENT FOR CDL BE DROPPED GOING INTO
12 NASHVILLE TO ALLOW MY NON-QUALIFIED PEOPLE THE
13 OPPORTUNITY TO FOLLOW THEIR WORK TO NASHVILLE. THAT
14 WILL BE ALL I HAVE.

15 CHAIRMAN SWEETON: ANYTHING ELSE LOCAL?

16 MR. RAVER: YES.

17 CHAIRMAN SWEETON: COMPANY'S RESPONSE. DO
18 YOU WANT TO RESPOND TO THAT?

19 MR. JONES: I DIDN'T HEAR HIM.

20 CHAIRMAN SWEETON: HE WANTS THE RIGHT THAT
21 PEOPLE GOES INTO NASHVILLE TO GO IN AND IT IS NOT CDL
22 QUALIFIED.

23 MR. JONES: WE WILL ABIDE BY THE DECISION OF
24 THIS COMMITTEE.

25 I WOULD LIKE TO CLARIFY SOMETHING ON

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1 THE RECORD.

2 CO-CHAIRMAN ROBERTS: IT IS NICE TO THROW
3 THESE INTO THE LAP OF THE COMMITTEE. DO YOU NEED CDL
4 QUALIFIED PEOPLE IN THERE? DOES EVERYBODY HAVE TO BE
5 CDL QUALIFIED TO GO THERE?

6 MR. JONES: WE NEED THEM EVERYWHERE. NO

7 QUESTION.

8 PARTICIPANT: MR. CHAIRMAN --
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9 CHAIRMAN SWEETON: HOLD IT GUYS. JUST A
10 MINUTE.

11 WHAT DID YOU PROPOSE IN THIS CHANGE,
12 BOB, THAT THEY BE CDL QUALIFIED OR NON-CDL QUALIFIED?

13 MR. JONES: HOLD ON, MR. CHAIRMAN. WE
14 PROPOSED AND LET ME TAKE A LOOK IN THE BIDDING. I
15 WILL READ IT IN THE RECORD. I AM SORRY. LOCAL
16 CARTAGE HOSTLING WORK MOVE OPPORTUNITY SECTION
17 EMPLOYEES MUST BE WILLING TO BECOME DRIVER QUALIFIED
18 AND POSSESS A CURRENT CDL PRIOR TO ACCEPTING WORK
19 TRANSFER TO NASHVILLE, TENNESSEE. THAT WAS THE
20 POSITION OF THE COMPANY.

21 CHAIRMAN SWEETON: NASHVILLE, ARE YOU
22 REQUIRED TO HAVE A CDL?

23 MR. MOTTERN: YES, SIR.

24 MR. RAVER: WE UNDERSTAND THAT.

25 CHAIRMAN SWEETON: WE WILL ADDRESS THAT IN

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1 THE CHANGE.
2 MR. JONES: MR. CHAIRMAN, I JUST WANTED TO
3 GO BACK ON THE RECORD AND IDENTIFY A QUESTION
4 MR. HOGAN ASKED ABOUT 29 SCHEDULES THEY WERE GIVEN IN
5 THE PREVIOUS CHANGE. I WANT TO MAKE SURE THAT
6 EVERYBODY UNDERSTANDS THAT THEY WERE -- THEY MAY NOT
7 BE 29 SCHEDULES BASED ON CURRENT ECONOMIC CONDITIONS
8 AND FREIGHT AVAILABILITY. I JUST WANT TO MAKE SURE WE
9 ANSWER THAT PROPERLY.

10 CHAIRMAN SWEETON: ANYTHING ELSE LOCAL

11 UNION?

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12 MR. RAVER: YES. WE HAVE JAY SWACKHAMMER,
13 WHO IS A UNION STEWARD FOR THE SHOP. HE ALSO HAS
14 SEVERAL QUESTIONS. BUT THEN I WILL INTERJECT AS NEED
15 BE.

16 MR. SWACKHAMMER: JAY SWACKHAMMER, COLUMBUS
17 SHOP. I WOULD LIKE TO REQUEST THAT SHOP EMPLOYEES CAN
18 TAKE THEIR SENIORITY WITH THEM TO CLEVELAND AND INDY.
19 SEEING HOW WE DO WORK UNDER MASTER FREIGHT AND WE ARE
20 AN ADDENDUM TO MASTER FREIGHT AND THEY ARE NOT, I
21 THINK THAT'S ONLY JUST A REASONABLE REQUEST. THAT'S
22 FOR ONE.

23 CHAIRMAN SWEETON: I UNDERSTAND YOUR
24 REQUEST. WE WILL ADDRESS THAT IN THE DECISION.

25 MR. SWACKHAMMER: AND ALSO -- JAY

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1 SWACKHAMMER, ANY CALL FROM ANY EMPLOYEES THAT MIGHT
2 TAKE A LAYOFF, WILL THEY BE CALLED BACK IF ANYBODY
3 RETIRES OR QUILTS IN THE SHOP IN COLUMBUS?

4 MR. BOOTHE: ROD BOOTHE, YELLOW
5 TRANSPORTATION. BASED ON THE WORK AVAILABILITY AND
6 CURRENT ECONOMIC CONDITIONS, IT WOULD BE POSSIBLE.

7 MR. RAVER: IN OTHER WORDS, HE IS BASICALLY
8 SAYING -- BUD RAVER AGAIN -- THAT YOU ARE NOT GOING TO
9 ELIMINATE POSITIONS DUE TO ATTRITION.

10 MR. JONES: CORRECT, MR. CHAIRMAN.

11 MR. RAVER: THANK YOU.

12 MR. SWACKHAMMER: AND I WOULD LIKE TO JUST
13 GET THIS ON THE RECORD -- JAY SWACKHAMMER -- THAT ALL
14 MECHANICS COMING OUT OF THE COLUMBUS SHOP WERE ALL

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15 CLASSIFIED AS CLASS A MECHANICS?

16 CHAIRMAN SWEETON: COMPANY.

17 MR. BOOTHE: THAT IS CORRECT AS FAR AS I

18 KNOW, YES.

19 MR. PABST: THEY ARE ALL CLASS A MECHANICS.

20 MR. SWACKHAMMER: I WOULD ALSO LIKE TO BRING

21 ONTO THE RECORD THAT HAS THE COMPANY THOUGHT ABOUT

22 MAYBE BRINGING IN WORK FROM HOLLAND INTO COLUMBUS

23 SHOP, COLUMBUS WORK?

24 CHAIRMAN SWEETON: FIRST OF ALL, THAT IS NOT
25 A PART OF THIS CHANGE. IF THEY ARE GOING TO DO THAT,

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1 THEN THEY WILL BE GETTING TOGETHER WITH THE LOCAL
2 UNION TO DISCUSS WHAT THEY ARE GOING TO DO.

3 MR. JONES: THAT'S CORRECT, MR. CHAIRMAN.

4 MR. SWACKHAMMER: OKAY. ON VACATION, SICK,
5 SICK PAY, BANKING OF THE SICK PAY, TOOL ALLOWANCE AS
6 PER CONTRACT, ARE YOU GOING TO PAY EVERYBODY THAT
7 TAKES THE TRANSFER UP TO THAT DATE OR HOW ARE YOU
8 GOING TO DO THE BANKING OF THE SICK DAYS BECAUSE I
9 DON'T THINK THE CLEVELAND AND INDY SHOP IS ALLOWED TO
10 BANK THEIR SICK DAYS.

11 CHAIRMAN SWEETON: I WILL ANSWER THAT.

12 THOSE MEMBERS ARE NOT GOING TO LOSE ANYTHING THAT THEY
13 PRESENTLY HAVE EARNED. THEY WILL EITHER PAY IT OR
14 THEY WILL CARRY IT WITH THEM.

15 MR. JONES: CORRECT MR. CHAIRMAN.

16 MR. BOOTHE: CORRECT.

17 MR. SWACKHAMMER: I THINK THAT'S ALL I HAVE.

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18 MR. LYITLE: I HAVE ONE QUESTION
19 MR. CHAIRMAN. OF THE COMPANY, I HEARD THE COMPANY SAY
20 THAT ALL THESE GUYS ARE CLASS A MECHANICS. WHEN THEY
21 GO INTO A RECEIVING MECHANICS PLACE AND THEY ARE BID
22 AS A B MECHANIC OR A C OR WHATEVER CLASSIFICATIONS
23 THEY HAVE, HOW WILL THEY BE PAID, AS AN A MECHANIC OR
24 AS SUCH THAT THEY BID?

25 MR. PABST: DON PABST FOR THE COMPANY. AS

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1 FAR AS I KNOW, CLEVELAND AND INDY HAVE AVAILABLE SLOTS.
2 FOR A MECHANICS, AND IF THEY WERE TO CHOOSE TO BID
3 DOWN INTO A GRADE THAT IS LOWER, THEN NATURALLY THEY
4 WOULD GET -- THE BOTTOM PAY WOULD BE, THEY WOULD GET
5 PAID THAT GRADE IF THEY VOLUNTARILY BID DOWN TO A
6 LOWER CLASSIFICATION.

7 CHAIRMAN SWEETON: TO UNDERSTAND, DON, YOU
8 SAID THERE IS ENOUGH A POSITION FOR THESE PEOPLE TO
9 TRANSFER IN. IF THEY ELECT TO GO TO A B POSITION,
10 THEY WILL BE PAID UNDER THAT CONTRACT THEY ARE GOING
11 UNDER.

12 MR. PABST: CORRECT. EVERY A MECHANIC TO
13 TRANSFER IN, THERE WILL BE A WORK THERE FOR THEM.

14 MR. WILKINSON: MR. CHAIRMAN, JIM WILKINSON,
15 LOCAL 135, I NEED TO CORRECT THAT. UNDER
16 INDIANAPOLIS' LOCATION, WE HAVE BIDS FOR A AND BIDS
17 FOR B'S. IF YOU ARE AN A MECHANIC, YOU BID A B SLOT,
18 THAT'S WHERE YOU ARE AT. YOU HAVE NO CHOICE BECAUSE
19 THE TOP SENIORITY GUYS BID THE A SPOTS. THE BOTTOM
20 SENIORITY BIDS THE BID. IF YOU ARE DOWN ON THE

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21 BOTTOM, YOU WILL GET A B SPOT. YOU MIGHT NOT GET AN A
22 SPOT. SO TO SAY THEY ARE GOING TO MOVE IN WITH
23 STRICTLY A, THAT AIN'T GOING TO HAPPEN.
24 MR. FREY: MR. CHAIRMAN, MARK FREY, LOCAL
25 964, WE HAVE ALL A MECHANICS. WE HAVE NO B'S.

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1 CHAIRMAN SWEETON: WE WILL ADDRESS THAT IN
2 THE CHANGE AS FAR AS INDY.
3 MR. RAVER: I THINK THAT -- BUD RAVER AGAIN
4 FOR COLUMBUS -- AND I AM SURE, GORDON, THAT YOU ARE
5 GOING TO ADDRESS THIS, BUT OUR MECHANICS ARE A
6 MECHANICS. THEY ARE NOT ASKING TO BE TRANSFERRED OUT
7 OF THERE, AND THEY SHOULDN'T LOSE WHAT THEY HAD, AND
8 WE ARE GOING TO REQUEST, NO MATTER WHERE THEY ARE AT,
9 THEY WILL HOLD AN A POSITION AND/OR BE PAID AS AN A
10 MECHANIC, WHETHER THEY WERE ON A C, D, E OR F, THAT
11 THEY WILL BE PAID A WAGES.

12 CHAIRMAN SWEETON: WE UNDERSTAND THAT BUD.

13 MR. WILKINSON: MR. CHAIRMAN, JIM WILKINSON
14 ONE MORE TIME SO THIS IS VERY CLEAR. INDIANAPOLIS HAS
15 A AND B MECHANICS. ALL MY MECHANICS MIGHT BE CLASS
16 A'S BUT THEY HAVE TO WORK IN CLASS "B" AT THAT RATE
17 BECAUSE OF SENIORITY.

18 CHAIRMAN SWEETON: WE UNDERSTAND.

19 ANYTHING ELSE?

20 MR. SWACKHAMMER: JAY SWACKHAMMER, YELLOW
21 FREIGHT -- 413 RATHER. CAN THE COMPANY ANSWER THE
22 REASON WHY SUCH A HIGH PERCENTAGE OF MECHANICS IS
23 LEAVING COMPARED TO THE DRIVERS AND THE DOCK AND LOCAL

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24 CARTAGE?

25 CHAIRMAN SWEETON: RESPONSE FROM THE

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1 COMPANY.

2 MR. JONES: I WILL DEFER THAT TO MR. PABST.

3 MR. PABST: DON PABST FOR THE COMPANY. IN
4 THE PREMEETINGS, I THINK I EXPLAINED THIS, BUT I WILL
5 TRY TO GO AHEAD --

6 CHAIRMAN SWEETON: DON, COME UP HERE SO WE
7 CAN HEAR YOU, WOULD YOU PLEASE.

8 MR. PABST: WHEN YOU LOOK AT THE TOTAL
9 NUMBER OF RELAY LOADS COMING THROUGH THE FACILITY AND
10 YOU BACK INTO THIS AND YOU LOOK AT HOW MANY MECHANICS
11 IT TAKES PRESENTLY TODAY TO SERVICE THE TRACTORS,
12 FUEL THEM AND KEEP THE FLEET ROLLING, WHEN YOU BACK
13 OUT OF IT, IT LEFT 15 PEOPLE TO MAINTAIN THAT, WHAT IS
14 GOING TO BECOME AN END OF THE LINE, FIVE DAY A WEEK
15 OPERATION, AND THEN THE SMALL RELAY. MANY DAYS WILL
16 BE, AFTER THE CHANGE, ONE TO TWO UNITS AN HOUR THAT
17 COMES THROUGH THAT FACILITY VERSUS PRESENTLY JAY, AS
18 YOU WELL KNOW HOW MANY COME THROUGH THERE. SO WHEN
19 YOU BACK OUT OF IT, WITH THE CHANGE IN THE DRIVERS AND
20 SOME OF THE THINGS THAT WENT ON, WE ADDED TWO MORE
21 MECHANICS BACK IN THERE. THERE IS ENOUGH WORK IN
22 COLUMBUS AFTER THE CHANGE TO PROTECT 17 MECHANICS
23 UNDER THE PRESENT BUSINESS CONDITIONS. AND OTHER
24 MECHANICS THAT WORK IS MOVING TO CLEVELAND AND
25 INDIANAPOLIS, AND THAT'S WHERE THE NUMBERS CAME FROM.

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1 MR. SWACKHAMMER: JAY SWACKHAMMER, 413.
2 DON, YOU KNOW AS WELL AS I DO THAT IF YOU WANT TO GO
3 AROUND AND LOOK AROUND THE LOT, THERE IS PROBABLY
4 ENOUGH TO KEEP 50 MECHANICS WORKING, YOU KNOW. THERE
5 HAS -- YOU KNOW, THERE HAS BEEN A LOT OF THINGS THAT
6 HAS BEEN SIGNED OFF AND RAN AND A LOT OF THINGS THAT
7 WE COULD HAVE DONE BECAUSE OF NUMBERS AND THIS AND
8 THAT, THAT THEY ARE LETTING, JUST LETTING THEM RUN
9 DOWN THE ROAD. NOTHING SAFETY-WISE, BUT --

10 MR. JONES: MR. CHAIRMAN, BOB JONES, YELLOW
11 TRANSPORTATION. WE WILL STAND BY OUR NUMBERS IN
12 REGARDS TO SHOP OPPORTUNITIES LEFT.

13 MR. RAVER: MR. CHAIRMAN, BUD RAVER AGAIN,
14 YOU KNOW THIS IS A VERY DIFFICULT CHANGE IN THE
15 COLUMBUS, OHIO FACILITY.

16 CHAIRMAN SWEETON: SURE IT IS.

17 MR. RAVER: IF YOU WILL JUST BEAR WITH US.
18 WE ARE NOT TRYING TO THROW NO TRICK QUESTIONS AT THE
19 COMPANY. WE PROMISED THEM WE WASN'T GOING TO DO THAT,
20 AND WE ARE NOT, BUT ALSO, THERE IS SOME THINGS THAT IS
21 GOING ON IN THIS CHANGE THAT WE ARE HEARING THROUGH
22 THE GRAPEVINE ALSO, THAT -- AND YOU KNOW WHERE THERE
23 IS SMOKE, THERE IS FIRE -- THAT THE COMPANY INTENDS TO
24 INCREASE THE SHOP LOADS AT THE ROADWAY FACILITY WITH
25 YELLOW EQUIPMENT IN CINCINNATI. WE WOULD LIKE TO GO

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1 ONTO THE RECORD THAT THAT DOESN'T HAPPEN. IF THERE IS
2 ANY KIND OF AN INCREASE IN THE WORKLOAD, THAT THAT
3 WORKLOAD WILL COME TO THE COLUMBUS, OHIO FACILITY IF
4 IT IS YELLOW FREIGHT EQUIPMENT.

5 MR. JONES: MR. CHAIRMAN, BOB JONES FOR
6 YELLOW TRANSPORTATION. WE HAVE IDENTIFIED IN MEETINGS
7 WITH THE LOCAL UNION WHAT WORK LOSS THE SHOP IS
8 INVOLVED IN. WHAT THE GAIN IS. WE HAVE NO COMMENT ON
9 WORK GOING TO ROADWAY. DON'T KNOW ANYTHING ABOUT
10 THAT. WE STAND BY OUR NUMBERS THAT WE IDENTIFIED AND
11 STICK WITH THAT.

12 CHAIRMAN SWEETON: ANY WORK THAT IS GOING TO
13 BE TRANSFERRED, BUD, THEY CANNOT TRANSFER UNDER THE
14 CONTRACT. IF THEY TRY TO TAKE YELLOW WORK TO ROADWAY,
15 THEN YOU HAVE MEANS TO TAKE CARE OF IT.

16 MR. RAVER: THANK YOU,

17 ALSO, I DO HAVE A SENIORITY LIST HERE
18 FOR THE MECHANICS WITH THE 23 PEOPLE THAT IS LEAVING,
19 THAT WILL LEAVE 17 IN THE FACILITY, AND MR. JAY
20 SWACKHAMMER WILL BE THE LAST PERSON ON THE BOARD AS IT
21 IS PRESENTLY; AM I CORRECT? I WOULD LIKE TO ENTER
22 THAT INTO THE RECORD.

23 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
24 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)

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1 YELLOW TRANSPORTATION COLUMBUS, OHIO
2 SHOP SENIORITY ROSTER
3 13-JUL-07

2007 JULY 17 CHANGE OF OPERATIONS			
	SEN#	NAME	SENIORITY DATE
4	1	HOBBS JL	MARCH 13, 1984
5	2	HUMPHREY JE	JUNE 2, 1984
6	3	SCHUTTE DL	JUNE 30, 1984
7	4	GRINDLEY RE	JULY 11, 1984
8	5	DUNLAP CN	JULY 29, 1984
9	6	THOMAS AE	AUGUST 17, 1984
10	7	TERPENING RL	AUGUST 21, 1984
11	8	MATSON SP	SEPTEMBER 24, 1984
12	9	HILL D	MAY 23, 1985
13	10	WORRIX B	JULY 8, 1985
14	11	MEHL M	OCTOBER 15, 1985
15	12	WILSON R	OCTOBER 23, 1985
16	13	SKREI S	DECEMBER 20, 1985
17	14	KUNKLE D	JANUARY 2, 1986
18	15	SWACKHAMMER RT.	FEBRUARY 6, 1986
19	16	LAYNE G	FEBRUARY 7, 1986
20	17	SWACKHAMMER J	MARCH 20, 1986
21	18	CORDLE B	MAY 5, 1986
22	19	MCWILLIAMS C	OCTOBER 2, 1987
23	20	BITZEL R	AUGUST 17, 1988
24	21	NGUYEN D	AUGUST 24, 1988

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1	22	MITCHELL L	AUGUST 26, 1988
2	23	HEDRICK M	OCTOBER 8, 1988
3	24	SMITH J	JANUARY 24, 1989
4	25	PARSONS D	FEBRUARY 13, 1989
5	26	THOMPSON P	MARCH 13, 1989
6	27	SWAIN J	APRIL 28, 1989

2007 JULY 17 CHANGE OF OPERATIONS

7	28	BOYER R	JANUARY 2, 1990
8	29	PORTER JD	JULY 8, 1991
9	30	DORKINS JI	JUNE 7, 1993
10	31	CORBIN K	NOVEMBER 6, 1995
11	32	DUPREE D	JULY 14, 1997
12	33	SPANGLER J	OCTOBER 18, 1997
13	34	SUCKY J	JULY 17, 2000
14	35	FRYMAN J.	MARCH 19, 2004
15	36	COLLINS J	JANUARY 3, 2005
16	37	ARMENTROUT R	JANUARY 1, 2006
17	38	SUSIL J	FEBRUARY 27, 2006
18	39	BUCKLEY M.	OCTOBER 23, 2006
19	40	MOODY D.	NOVEMBER 6, 2006
20		(END OF DOCUMENT PROVIDED TO THE REPORTER.)	

21 MR. BOOTHE: UNLESS THE SENIOR MAN TO JAY

22 BIDS OUT, BUD, YOU ARE CORRECT.

23 MR. RAVER: THANK YOU. ANYTHING ELSE?

24 MR. JONES: TONY JONES. JUST TO CLARIFY

25 WHAT THE COMPANY GENTLEMAN SAID, WHAT BUD WAS TALKING

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1 ABOUT, IN CINCINNATI THEY DON'T HAVE A YELLOW SHOP.
2 THEY FARM ALL THEIR WORK OUT. WHAT HE IS SAYING IS
3 THEY HAVE BEEN TOLD THAT SOME OF THAT WORK IS NOW
4 BEING PERFORMED BY THE ROADWAY SHOP IN CINCINNATI, AND
5 RUMOR HAS IT THAT THEY WANT TO INCREASE THAT WORK AT
6 THE ROADWAY SHOP IN CINCINNATI ONCE THIS CHANGE IS
7 DONE.

8 AGAIN, I THINK WHAT HE REQUESTED IS
9 THAT IF THAT IS TO TAKE PLACE, THAT THAT WORK SHOULD

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10 COME TO COLUMBUS, OHIO.

11 CHAIRMAN SWEETON: FIRST OF ALL --

12 MR. JONES: I UNDERSTAND WHAT THE NUMBERS

13 WHAT HE STATED.

14 CHAIRMAN SWEETON: WE WILL LOOK AT THAT, BUT

15 YOU ARE TALKING -- YOU ARE MIXING APPLES AND ORANGES.

16 ONCE THAT WORK LEAVES THERE AND GOES TO ANOTHER

17 FACILITY, IN THAT FACILITY, WHATEVER THEY ARE DOING AT

18 THAT FACILITY IS GOING TO APPLY THERE.

19 MR. JONES: I UNDERSTAND THAT, MR. CHAIRMAN,

20 BUT THERE IS NO WORK GOING TO CINCINNATI, OHIO AS FAR

21 AS MECHANICS TRANSFER. THERE IS NOT A SHOP THERE.

22 CHAIRMAN SWEETON: COMPANY WANT TO ADDRESS

23 THAT?

24 MR. JONES: I CAN'T ADDRESS IT,

25 MR. CHAIRMAN, BECAUSE I DON'T KNOW ANYTHING ABOUT IT.

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1 CHAIRMAN SWEETON: OKAY.

2 MR. JONES: WE WILL STAND BY OUR NUMBERS.

3 CHAIRMAN SWEETON: ANYTHING ELSE?

4 MR. JONES: SO IN THE FUTURE IF WE FIND THAT

5 ROADWAY SHOP IS PERFORMING P.M.'S AND STUFF ON

6 YELLOW'S EQUIPMENT, WE WILL BE BACK, WITH PICTURES.

7 CHAIRMAN SWEETON: YOU HAVE A RIGHT TO COME

8 BACK IF YOU FEEL THAT THERE IS A VIOLATION OF THIS

9 CHANGE.

10 MR. JONES: THANK YOU, MR. CHAIRMAN.

11 MR. RAVER: JUST ONE OTHER THING BEFORE WE

12 REST. I JUST WANT TO MAKE OURSELF CLEAR, AND I THINK.

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13 WE HAVE, AND NOT TO BE REDUNDANT, THAT LOCAL 413
14 OBJECTS TO 407'S POSITION ON, DUE TO OUR COLUMBUS
15 SENIORITY PRACTICE IS ONE LINE. LOCAL CARTAGE IS
16 LOCAL CARTAGE, MR. CHAIRMAN. THANK YOU.

17 CHAIRMAN SWEETON: THERE IS A QUESTION THAT
18 I HAVE RELATING TO THE COMPANY. FROM MY
19 UNDERSTANDING, COMPANY, YOU SENT OUT A WARREN NOTICE
20 TO THESE PEOPLE; IS THAT CORRECT?

21 MR. JONES: BOB JONES, YELLOW
22 TRANSPORTATION. THAT'S CORRECT.

23 CHAIRMAN SWEETON: HE ASKED YOU A QUESTION
24 ON THE RECORD, IF THESE PEOPLE ELECT NOT TO MOVE, ARE
25 YOU GOING TO GO AHEAD AND PROTECT THEM UNDER THE

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1 WARREN ACT FOR THE REST OF THOSE 90 DAYS?
2 MR. ROBERTS: WE ARE GOING TO NEED A MINUTE.
3 CHAIRMAN SWEETON: LET'S PUT IT THIS WAY:
4 IT IS GOING TO BE OUR POSITION THAT IF YOU SEND A
5 WARREN NOTICE AND NOTIFIED THOSE PEOPLE UNDER THAT
6 WARREN ACT AND THEY ELECT NOT TO MOVE, THEN YOU BETTER
7 PAY THEM.

8 NEXT LOCAL.

9 MR. RAVER: THANK YOU, MR. CHAIRMAN.
10 SERGEANT AT ARMS PERKINS: WALT, YOU GOT A
11 LETTER FOR 600.

12 MR. LYTLE: LETTER FOR 600.

13 ADDRESSED TO:

14 "GORDON SWEETON"
15 "ASSISTANT NATIONAL DIRECTOR OF FREIGHT"

16 2007JULY17CHANGEOFOPERATIONS
17 "RE: PROPOSED YELLOW TRANSPORTATION
18 "MR-CO-05-07/2007
19 "DEAR GORDON:
20 "I HAVE MET WITH JAY GRAVES
21 REPRESENTING YELLOW TRANSPORTATION AND
22 REVIEWED THE JUSTIFICATION FOR THE THREE
23 DRIVERS WE ARE LOSING IN ST. LOUIS IN THIS
24 PROPOSED CHANGE OF OPERATIONS. I HAVE NO
25 OBJECTIONS TO THIS CHANGE AS PROPOSED AND
 WILL NOT BE IN ATTENDANCE AT THE HEARING

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1 THOUGH I WILL BE AWAITING THE COMMITTEE'S
2 DECISION ON THE LOCAL 710'S 'FREIGHT/NO
3 FREIGHT -- DOVETAIL/ENDTAIL' ISSUE PROPOSED.
4 IN THE CHANGE AS I HAVE A DRIVER THAT
5 DOVETAILED OUT OF CHICAGO TO ST. LOUIS AND
6 MAY BE INTERESTED IN RETURNING TO CHICAGO.
7 THANK YOU.

8 "RICK MEYER"
9 SERGEANT AT ARMS PERKINS: 710.
10 MR. ROBERTS: I WOULD LIKE TO MAKE ONE.
11 CLARIFICATION ON THE WARREN NOTICE QUESTION YOU ASKED.
12 IT WOULD BE THE POSITION OF THE COMPANY THAT WE WILL
13 COMPLY WITH THE LAW, BUT WE DID REDUCE THE NUMBERS IN
14 THIS CHANGE. IT IS OUR UNDERSTANDING THAT IT DOES NOT
15 TRIGGER THE PROVISIONS OF THE WARREN ACT.

16 CHAIRMAN SWEETON: THANK YOU.
17 WOULD YOU LIKE TO ADDRESS LOCAL 600'S
18 CONCERN?

2007JULY17CHANGEOOPERATIONS
19 MR. RAVER: MR. CHAIRMAN, AGAIN, WE ARE
20 HAVING TROUBLE WHAT WE ARE HEARING FROM THAT END OF
21 THE TABLE. WE ARE NOT TRYING TO BE DISRUPTIVE. WE
22 DIDN'T HEAR WHAT MR. ROBERTS SAID.

23 MR. ROBERTS: I CLARIFIED ON THE WARREN
24 NOTICE, THE WARREN NOTICE WAS ISSUED IN COMPLIANCE
25 WITH THE LAW, BUT BECAUSE THE NUMBERS HAVE CHANGED, IT

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1 IS OUR POSITION THAT WITH THOSE NEW NUMBERS, IT DOES
2 NOT TRIGGER THE PROVISIONS OF THE WARREN ACT.

3 MR. RAVER: BUT THE LAW WILL APPLY.

4 MR. ROBERTS: THE LAW ALWAYS APPLIES.

5 CHAIRMAN SWEETON: NOW, COMPANY, WOULD YOU
6 LIKE TO ADDRESS LOCAL 600'S QUESTION ABOUT A MAN
7 COMING FROM CHICAGO ON A PREVIOUS CHANGE, DOVETAILED
8 INTO ST. LOUIS, BUT HE IS GOING TO ENDTAIL GOING BACK.

9 MR. JONES: WELL, MR. CHAIRMAN, IN NORMAL
10 CIRCUMSTANCES IN THE ROAD OPERATION, A DOVETAIL IN THE
11 CENTRAL REGION -- A DOVETAIL IN THE CENTRAL REGION AND
12 IN THIS PARTICULAR CASE INTO CHICAGO, THESE EMPLOYEES
13 ARE NOT TAKING ANY WORK. WE ARE PROVIDING THEM AN
14 OPPORTUNITY FOR WORK. THEREFORE, I AM SURE LOCAL 710
15 WILL ASK THAT THEY ENDTAIL. I CAN'T COMMENT ON THE
16 INDIVIDUAL THAT WENT FROM ST. LOUIS -- CHICAGO TO
17 ST. LOUIS FOR LOCAL 600. I HAVE NO IDEA ABOUT THAT.
18 JUST ADDRESSING THE ENDTAIL/DOVETAIL QUESTION.

19 CHAIRMAN SWEETON: WELL, YOU HAVE THREE
20 LOSSES HERE ON LEGS OF WORK FROM KANSAS CITY AND
21 OKLAHOMA CITY, HOW MANY YOU MOVING?

22 2007JULY17CHANGEOFOPERATIONS
MR. JONES: THIRTY-FOUR.

23 CHAIRMAN SWEETON: IF THAT'S THE CASE, THEY
24 ARE LOSING WORK SOMEWHERE, BECAUSE YOU STATE IN YOUR
25 STATEMENT, ST. LOUIS, MISSOURI ROAD OPERATIONS WILL

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1 LOSE WORK ON LEGS OF KANSAS CITY, MISSOURI AND
2 OKLAHOMA CITY, OKLAHOMA. THIS EQUATES TO THREE
3 POSITIONS.

4 MR. JONES: CORRECT.

5 CHAIRMAN SWEETON: APPARENTLY THEY ARE
6 LOSING WORK TO THREE POSITIONS.

7 MR. JONES: I UNDERSTAND THAT.

8 CHAIRMAN SWEETON: IF THEY ARE GOING TO LOSE
9 WORK THREE POSITIONS, YOU ARE GOING TO SEND THEM WITH
10 THEIR SENIORITY SOMEWHERE.

11 MR. JONES: WHEREVER THEIR SENIORITY HOLDS.
12 AGAIN, I THINK THAT IS A QUESTION FOR THE COMMITTEE.
13 HE IS ADDRESSING WHAT WOULD HAPPEN. LET ME READ THAT
14 AGAIN FOR THE RECORD. HE SAID, I HAVE A DRIVER THAT
15 DOVE-TAILED OUT OF CHICAGO AND ST. LOUIS AND MAY BE
16 INTERESTED IN RETURNING TO CHICAGO.

17 CO-CHAIRMAN ROBERTS: A LINE DRIVER?

18 MR. JONES: THAT'S CORRECT.

19 CO-CHAIRMAN ROBERTS: LINE DRIVERS DOVETAIL.

20 MR. JONES: I THINK WE HAVE ANSWERED THAT.

21 MR. LYTLE: LINE DRIVERS DOVETAILS ANYWAYS
22 IN 710; DON'T HE?

23 PARTICIPANT: AS LONG AS HE BRINGS WORK IN,
24 HE DOES.

25

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MR. JONES: BRINGS WORK.

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1 CHAIRMAN SWEETON: WHO IS NEXT?
2 MR. BAEZ: CHUCK BAEZ FOR 710. WE HAVE MET
3 WITH THE COMPANY. WE ARE GOING TO START WITH THE
4 DOCK. MR. FRANKO IS NOT HERE. MR. FRANKO IS THE
5 AGENT AT THE DOCKS WITH YELLOW IN CHICAGO. WE HAVE
6 MET WITH THE COMPANY AND THEY HAVE ANSWERED ALL THEIR
7 QUESTIONS. WE APPRECIATE THE ENDTAIL LANGUAGE IN THE
8 ACTUAL BIDDING FOR THE DOCK BECAUSE WE WILL ENDTAIL
9 THE 710 DOCK.

10 WE GO TO THE ROAD, AND WE HAVE MET
11 MR. JONES SEVERAL TIMES ON THE ROAD. HE HAS ANSWERED
12 ABSOLUTELY EVERY QUESTION. 710'S POSITION ON THREE
13 ITEMS. NO. 1. NOBODY ADDRESSED THE CLEVELAND BID
14 THAT WE HAVE, WE HAVE TO BE TRIPLE QUALIFIED. WE ARE
15 REQUESTING THAT YOU BE TRIPLE QUALIFIABLE TO BID INTO
16 OUR DOCK -- I AM SORRY -- COME INTO OUR ROAD.

17 ALONG WITH THAT, THE PEOPLE ARE NOT
18 BRINGING ANY WORK WITH THEM, AND WE APPRECIATE LOCAL
19 100'S POSITION BECAUSE THAT IS OUR POSITION. ANYBODY
20 THAT COMES TO CHICAGO, THAT IS A 16 PLUS, BUT IT IS A
21 REAL ZERO, AND WE WOULD RESPECTFULLY ASK YOU GUYS TO
22 ENDTAIL THEM, AND OUR HEALTH, WELFARE AND PENSION
23 SHOULD BE OURS TOO. THEM POSITIONS WILL BE OUT IN THE
24 STREET. THEY WILL BE FILLED BY REGULAR PEOPLE OR 5/5
25 PEOPLE THAT WOULD COME INTO OUR HEALTH, WELFARE AND

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1 PENSION.

2 WITH THAT, I THINK THAT'S ALL WE HAVE.

3 CHAIRMAN SWEETON: PAT, DO YOU HAVE ANYTHING
4 ELSE?

5 MR. FLYNN: NO, SIR. I THINK MY AGENT
6 COVERED IT VERY WELL. LOCAL 710 HAS A VERY VERY LONG
7 HISTORICAL PROCEDURE FOR PEOPLE THAT COME INTO OUR
8 TOWN. WE GET WHAT WE GIVE. BUT WHEN WE LEAVE, OUR
9 DOCK POSITIONS, WHICH WE HAVE AND WE GO INTO OTHER
10 DOMICILES, WE UNDERSTAND THAT WE ARE ENDTAILED AND WE
11 HAVE ACCEPTED THAT FOR MANY MANY YEARS, AND THAT'S
12 WHAT YOU GET WHEN YOU COME IN.

13 CHAIRMAN SWEETON: COMPANY, DO YOU WANT TO
14 RESPOND TO THE NO WORK GOING INTO CHICAGO? HOW DO YOU
15 JUSTIFY GIVING THEM A MOVE IN THERE?

16 MR. JONES: MR. CHAIRMAN, WE JUSTIFY IT BY
17 THE FACT THAT MY DRIVER HAS READ INTO THE RECORD
18 OPERATIONAL NEEDS, FORECAST, EMPLOYEE ATTRITION,
19 DRIVER UNAVAILABILITY. UNAVAILABILITY TO HIRE DRIVERS
20 IN CHICAGO. IF WE HAVE WORK FOR PEOPLE, WE THINK
21 THOSE PEOPLE SHOULD HAVE THE OPPORTUNITY FOR WORK.
22 THAT IS WHY WE ARE ALLOWING THEM TO --

23 CHAIRMAN SWEETON: HOW MANY PEOPLE ARE YOU
24 REQUESTING GOING INTO CHICAGO?

25 MR. JONES: I AM SORRY.

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1 CHAIRMAN SWEETON: HOW MANY PEOPLE ARE YOU
2 REQUESTING?

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3 MR. JONES: SIXTEEN.

4 CHAIRMAN SWEETON: AND THAT'S ALL ADDITIONAL
5 WORK. THERE IS NO WORK FOR THOSE 16 BEING MOVED IN
6 THERE.

7 MR. JONES: THAT'S CORRECT.

8 WOULD YOU LIKE ME TO ALSO RESPOND TO
9 THE TRIPLES QUALIFIED AND THE OTHER QUESTIONS?

10 CHAIRMAN SWEETON: GO RIGHT AHEAD.

11 MR. JONES: WE AGREE WITH THE UNION, THEY
12 SHOULD BE TRIPLES CERTIFIABLE. THE ENDTAIL QUESTION
13 OBVIOUSLY WOULD BE LEFT TO THE DECISION OF THIS
14 COMMITTEE AS WELL AS THE HEALTH AND WELFARE AND
15 PENSION ISSUE.

16 MR. BRYANT: THIS IS BRYANT FOR THE
17 COMMITTEE. I HAVE GOT A QUESTION. ON YOUR ITEM NO.
18 7, IT SHOWS A NET GAIN AT 20 POSITIONS. SHOWS CHICAGO
19 ROAD OPERATION WILL LOSE WORK ON THE LEG TO COLUMBUS.
20 THIS EQUATES TO 13 POSITIONS. ROAD OPERATION WILL
21 LOSE WORK TO SOME OF ITS SATELLITES. THIS EQUATES TO
22 LOSS OF THREE POSITIONS.

23 IN YOUR ADDENDUM, DOES THAT WIPE THAT
24 OUT?

25 MR. JONES: NO, SIR. IF YOU CONTINUE ON, IT

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1 SAYS, WITH THE 13 AND THREE. IT SAYS, "CHICAGO ROAD.
2 OPERATION WILL GAIN WORK ON THE LEG TO CLEVELAND, OHIO
3 AND INDIANAPOLIS, INDIANA. THIS EQUATES TO A GAIN OF
4 16 POSITIONS."

5 ON THE NEXT PAGE.
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6 THERE IS A GAIN OF 16 LOST TO THE 16
7 GAIN. THEN WE MADE AN ADDENDUM INITIALLY TO THAT 20
8 TO MAKE THAT AN ADDENDUM THAT'S A GAIN OF 16. THAT'S
9 WHERE WE ARE ADDRESSING IS 16 NOT FOLLOWING THE WORK
10 INTO CHICAGO.

11 MR. BRYANT: NOW WAIT A MINUTE. THAT'S MY
12 QUESTION. IS CHICAGO LOSING WORK ON THE LEG TO
13 COLUMBUS?

14 MR. JONES: THEY WILL STILL RUN COLUMBUS.
15 THEY ARE LOSING SOME WORK, YES, AS IDENTIFIED HERE.

16 MR. BRYANT: SO IS THE ANSWER YES OR IS IT
17 NO?

18 MR. JONES: YES. YES.

19 MR. BRYANT: IS CHICAGO LOSING WORK TO SOME
20 OF ITS SATELLITES THAT EQUATES A LOSS OF THREE
21 POSITIONS?

22 MR. JONES: THAT'S CORRECT. WE HAVE
23 IDENTIFIED THOSE TO THE LOCAL.

24 MR. BRYANT: AND CHICAGO IS GAINING WORK ON
25 THE LEGS TO CLEVELAND.

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1 MR. JONES: THAT'S CORRECT. AND
2 INDIANAPOLIS.

3 MR. BRYANT: IN ADDITION TO THAT, YOU ALSO
4 HAVE AN AVAILABLE, WHICH YOU HAVE CHANGED FROM 20 TO
5 16.

6 MR. JONES: THAT IS ALSO CORRECT,
7 MR. BRYANT.

8 MR. BRYANT: OKAY.
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9 CO-CHAIRMAN ROBERTS: I AM STILL CONFUSED.

10 MR. LYTHE: QUESTION, MR. CHAIRMAN.

11 CO-CHAIRMAN ROBERTS: I AM STILL CONFUSED
12 BOB. IF I MIGHT: IS THERE SUFFICIENT WORK BEING
13 TRANSFERRED INTO CHICAGO, LINE WORK, TO JUSTIFY THE
14 MOVEMENT OF 16 DRIVERS?

15 MR. JONES: AGAIN, MR. CHAIRMAN, IT IS THE
16 POSITION OF THE COMPANY, IT IS THE CHANGE WAS DUE TO
17 OPERATIONAL NEEDS, FORECAST AND ATTRITION AND
18 UNAVAILABILITY. WE HAVE BEEN IN A HIRING MODE IN
19 CHICAGO FOREVER. WE CERTAINLY FEEL THERE IS ENOUGH
20 WORK TO SUSTAIN 16 PEOPLE.

21 CO-CHAIRMAN ROBERTS: THAT'S NOT MY
22 QUESTION. MY QUESTION IS: ARE YOU TRANSFERRING WORK
23 IN THERE?

24 MR. JONES: NO. NO. WE ARE NOT
25 TRANSFERRING, WORK BEING TRANSFERRED IN THERE.

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□

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1 CO-CHAIRMAN ROBERTS: NO LINE WORK BEING
2 TRANSFERRED INTO CHICAGO AT ALL?

3 MR. JONES: NO. NO.

4 MR. BRYANT: SAYS RIGHT HERE CHICAGO IS
5 GAINING WORK TO CLEVELAND, OHIO AND INDIANAPOLIS. ARE
6 THEY GAINING OR NOT?

7 MR. JONES: WELL, I AM SPECIFICALLY
8 ADDRESSING THE 16 THAT WE ARE TALKING ABOUT, ABOUT NOT
9 FOLLOWING WORK AND WHETHER THEY SHOULD ENDTAIL OR NOT.
10 YES. THEY ARE GAINING WORK ON LEGS TO CLEVELAND AND
11 INDIANAPOLIS AND IT IS A GAIN OF 16 POSITIONS. THE 16

2007JULY17CHANGEOFOPERATIONS

12 WE ARE ADDRESSING, THERE IS NO WORK FOLLOWING THOSE
13 EMPLOYEES.

14 MR. PAFFENROTH: SO YOU ARE SUGGESTING TO
15 MOVE 32 PEOPLE?

16 MR. JONES: NO.

17 MR. BRYANT: WHAT YOU ARE SAYING, LET ME SEE
18 IF I GOT THIS FIGURED OUT, BECAUSE YOU WON'T SAY IT.
19 THESE 16 POSITIONS THAT THEY ARE LOSING WORK ON AND
20 THE 16 POSITIONS THAT THEY ARE GAINING WORK ON, WIPES
21 EACH OTHER OUT.

22 MR. JONES: THAT'S CORRECT.

23 MR. BRYANT: AND THEN IN ADDITION TO THAT,
24 YOU ARE OFFERING 16 WORK OPPORTUNITY MOVES.

25 MR. JONES: THAT'S CORRECT.

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1 MR. BRYANT: SO THEY ARE GAINING; THEY ARE
2 LOSING --

3 MR. JONES: THEY ARE GAINING; THEY ARE
4 LOSING.

5 MR. BRYANT: -- ON CERTAIN LEGS.

6 MR. JONES: THAT'S CORRECT. BUT THE 16 THAT
7 WE ARE PROPOSING BASED ON ATTRITION AND FORECAST AND
8 DRIVER UNAVAILABILITY, THEY ARE NOT BRINGING WORK.
9 THERE IS NO WORK TO BE FOLLOWED.

10 MR. PAFFENROTH: MINUS THOSE 16 POSITIONS,
11 THAT MAKES THE NUMBERS NOT BALANCE ON THE NUMBER OF
12 LOSS AND THE NUMBER OF GAIN.

13 MR. LYITTLE: IN THE CHANGE ITSELF.

14 MR. PAFFENROTH: IN THE CHANGE ITSELF.

2007JULY17CHANGEOFOPERATIONS

15 SO YOUR OPENING STATEMENT THAT THERE IS
16 AN EQUAL NUMBER OF LOSS TO AN EQUAL NUMBER OF GAIN IS
17 NOT TRUE -- TECHNICALLY.

18 MR. JONES: IT IS --

19 MR. PAFFENROTH: IT IS IF YOU JUST ADD
20 PEOPLE RANDOMLY, BUT I MEAN, NUMBERS WISE, IT DOES NOT
21 MATCH, DOES IT?

22 MR. JONES: IF YOU ARE SPECIFICALLY TALKING
23 ABOUT WORK GAINS AND LOSSES, NO.

24 MR. PAFFENROTH: OKAY.

25 CHAIRMAN SWEETON: HAVE EXECUTIVE SESSION.

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1 SERGEANT AT ARMS PERKINS: CLEAR THE ROOM.

2 (EXECUTIVE SESSION.)

3 CHAIRMAN SWEETON: WE ARE GOING TO GO BACK
4 ON RECORD.

5 LET THE RECORD REFLECT THAT THE 16 WORK
6 OPPORTUNITY MOVES TO CHICAGO WILL BE ADDRESSED IN OUR
7 DECISION. SO ANYBODY THAT HAS GOT ANY QUESTIONS ON
8 THAT, IT WILL BE ADDRESSED IN THE DECISION OF THE
9 CHANGE.

10 MR. JONES: THANK YOU, MR. CHAIRMAN.

11 CHAIRMAN SWEETON: ANYTHING ELSE 710?

12 MR. BAEZ: NO, SIR.

13 CHAIRMAN SWEETON: THANK YOU, GENTLEMEN.

14 SERGEANT AT ARMS PERKINS: 964.

15 MR. FREY: MR. CHAIRMAN, LOCAL 964 HAS NO
16 OBJECTION TO THE NUMBER OF PROPOSED MEMBERS COMING
17 INTO CLEVELAND, 11. WE ARE A WHITE PAPER AGREEMENT.

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18 I APOLOGIZE. I ONLY HAVE ONE COPY OF THE CONTRACT
19 WITH ME. I WILL GIVE IT TO THE CHAIR BEFORE I LEAVE.
20 UNDER THIS AGREEMENT WE ARE AN ENDTAIL
21 SITUATION. MY 17 YEARS AS AN OFFICER OF THIS LOCAL,
22 EVERY CHANGE OF OPERATIONS HAS ALWAYS BEEN ENDTAIL.
23 WITH ALL DUE RESPECT TO LOCAL 413, IF THE MOVE WAS TO
24 GO THE OTHER WAY, WE WOULD END UP IN AN ENDTAIL
25 SITUATION ALSO.

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1 I WOULD LIKE TO GO ON THE RECORD FOR
2 TWO ISSUES. ONE IS THAT WE ARE RIGHT NOW PROMISED TWO
3 POSITIONS BECAUSE OF RETIREMENT IN OUR FACILITY. I
4 DON'T HAVE A PROBLEM WAITING ON THEM TWO POSITIONS
5 BEING FILLED UNTIL AFTER THE CHANGE TO ALLOW THESE
6 INDIVIDUALS TO POSSIBLY GAIN A LITTLE BIT OF SENIORITY
7 THERE.

8 AND ALSO, WE HAVE OUR OWN HEALTH AND
9 WELFARE FUND IN THE LOCAL. I UNDERSTAND THAT THE
10 CONTRACT WILL ADDRESS TO ALLOW THEM TO EITHER STAY IN
11 THE CENTRAL STATES OR TO TAKE THIS FOLLOW (SIC).

12 WITH THAT, WE AGAIN HAVE NO OBJECTIONS
13 TO THE CHANGE.

14 CHAIRMAN SWEETON: COMPANY, TO CLARIFY WHAT
15 HE SAID ON THE RECORD, TO MY UNDERSTANDING, YOU ARE
16 OWED TWO ADDITIONAL MECHANICS AT THE PRESENT TIME; IS
17 THAT CORRECT?

18 MR. FREY: DUE TO RETIREMENT, YES.

19 CHAIRMAN SWEETON: DO YOU INTEND TO REPLACE
20 THOSE AFTER --

2007JULY17CHANGEOFOPERATIONS
21 MR. FREY: THEY ARE LOOKING RIGHT NOW.
22 MR. BOOTHÉ: WE ARE LOOKING RIGHT NOW.
23 CHAIRMAN SWEETON: THEY WILL BE REPLACED,
24 YES OR NO?
25 MR. JONES: YES, MR. CHAIRMAN.

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1 CHAIRMAN SWEETON: THANK YOU. VERY GOOD.
2 EASTERN REGION
3 SERGEANT AT ARMS PERKINS: GOING TO THE
4 EAST. LOCAL 29.
5 MR. FARRISH: LOCAL 29, JOHN FARRISH. NO
6 OBJECTION. YOU HAVE THE LETTER.
7 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
8 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
9
10 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 29)
11 JUNE 28, 2007
12
13 ERNIE SOEHL, EASTERN REGION FRT. COORDINATOR
14 C/O ERJAC
15 25 LOUISIANA AVENUE, N.W.
16 WASHINGTON, D.C. 20001
17 RE: MR-CO-05-07/2007
18 DEAR SIR AND BROTHER:
19 IN REFERENCE TO YOUR CORRESPONDENCE DATED JUNE
20 26, 2007, THIS IS TO ADVISE AFTER MY REVIEW OF THE
21 PROPOSED MULTI-REGION CHANGE OF OPERATIONS TO BE HEARD
22 ON TUESDAY, JULY 17, 2007 AT THE NATIONAL GRIEVANCE
23 HEARINGS, LOCAL UNION #29 HAS NO OBJECTIONS TO THE
Page 75

2007JULY17CHANGEOFOPERATIONS

24 CHANGE AS SUBMITTED.

25 FRATERNALLY,

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1 /S/ JOHN D. FARRISH

2 JOHN D. FARRISH

3 SECRETARY-TREASURER

4 PRINCIPAL OFFICER

5 JDF/CHG

6

7 TEAMSTERS UNION MEMBERS MAKE THE BEST EMPLOYEES

8 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

9 SERGEANT AT ARMS PERKINS: LOCAL 71.

10 MR. MC CAFFREY: WE HAVE A LETTER FROM TED
11 RUSSELL, PRESIDENT. HE HAS NO OBJECTIONS TO THE
12 CHANGE AS PROPOSED.

13 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
14 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
15 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 71)

16

17 JULY 10, 2007

18

19 IBT FREIGHT DIVISION

20 ATT: ERNIE SOEHL

21 EASTERN REGION FREIGHT COORDINATOR

22

23 REF: MULTI-REGION CHANGE OF OPERATIONS YELLOW

24 TRANSPORTATION

25

2007 JULY 17 CHANGE OF OPERATIONS
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1 DEAR SIR AND BROTHER:

2

3 THIS LETTER WILL SERVE TO INFORM YOU THAT
4 TEAMSTERS LOCAL UNION 71 HAS MET WITH THE COMPANY;
5 REGARDING THE PROPOSED CHANGE OF OPERATIONS, WHICH IS
6 SCHEDULED TO BE HEARD IN MYRTLE BEACH, S.C., ON JULY
7 17, 2007. AFTER DISCUSSING THE CHANGE WITH THE
8 COMPANY, LOCAL 71 WILL HAVE NO OBJECTIONS TO THIS
9 CHANGE AS PROPOSED.

10 IF THERE ARE ANY QUESTIONS, PLEASE FEEL FREE TO
11 GIVE ME A CALL.

12 FRATERNALLY,

13 /S/ TED RUSSELL

14 TED RUSSELL

15 PRESIDENT

16 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

17 SERGEANT AT ARMS PERKINS: LOCAL 171 HAS A
18 LETTER.

19 MR. MC CAFFREY: AND LOCAL 171 IS HERE AS
20 WELL.

21 MR. VIA: ROOSEVELT VIA, PRESIDENT OF LOCAL
22 171. I HAVE NO OBJECTION. I HAVE ALSO SUBMITTED A
23 LETTER.

24 MR. MC CAFFREY: I HAVE THAT LETTER.

25 MR. VIA: THANK YOU.

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2007JULY17CHANGEOFOPERATIONS
1 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
2 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
3 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 171)

4 JULY 13, 2007

5

6 VIA FAX #(202) 624-8722

7

8 ERNIE SOEHL, EASTERN REGION FREIGHT COORDINATOR

9 IBT NATIONAL FREIGHT DIVISION

10 25 LOUISIANA AVENUE N.W.

11 WASHINGTON, D.C. 20001

12

13 DEAR SIR:

14

15 IN REGARD TO YOUR FAX DATED JUNE 26, 2007, PLEASE BE
16 ADVISED THAT LOCAL 171 HAS NO OBJECTION TO THE
17 PROPOSED CHANGE OF OPERATIONS AS PRESENTED BY YELLOW
18 FREIGHT TO THE AFFECTED VIRGINIA LOCAL UNIONS.

19

20 I INTEND TO BE PRESENT AT THE MEETING ON JULY 17,
21 2007.

22

23 LOOK FORWARD TO SEEING YOU THEN.

24

25 SINCERELY,

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1 /S/ ROOSEVELT A. VIA
2 ROOSEVELT A. VIA
3 PRESIDENT

4 2007JULY17CHANGEOFOPERATIONS
5 LOCAL UNION NO. 171

6 RAV/DF

7 C.: JOHN FARRISH - LOCAL #29 - FAX #540-943-7649
8 GARY QUINN - YELLOW FR. LABOR REP.
9 FAX #704-597-3223

10

11 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

12 SERGEANT AT ARMS PERKINS: 175.

13 MR. MC CAFFREY: I HAVE A LETTER FROM 175,
14 RALPH WINTER, SECRETARY-TREASURER. NO OBJECTIONS TO
15 THE CHANGE.

16 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
17 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)

18 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 175)

19

20 JULY 12, 2007

21

22 ERNIE SOHEL

23 FREIGHT COORDINATOR

24 EASTERN REGION OF TRUSTEES

25

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1 VIA FACSIMILE (202)624-8722

2

3 DEAR ERNIE:

4 PLEASE BE ADVISED THIS LOCAL UNION HAS NO ISSUES
5 WITH THE YELLOW TRANSPORTATION MULTI-REGION CHANGE OF
6 OPERATIONS WHICH WILL BE HEARD ON JULY 17, 2007.

2007JULY17CHANGEOFOPERATIONS
7 IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE
8 TO CONTACT THE UNDERSIGNED.

9 SINCERELY,
10 /S/ RALPH WINTER/MD
11 RALPH WINTER
12 SECRETARY-TREASURER

13 RW:MD

14 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

15 SERGEANT AT ARMS PERKINS: 355. GOT A
16 LETTER, AND THEY ARE HERE.

17 CHAIRMAN SWEETON: GO AHEAD.

18 MR. ALEXANDER: LOCAL 355 HAS NO OBJECTIONS
19 TO THE CHANGE AS PROPOSED. HOWEVER, WE DO HAVE TWO
20 REQUESTS FOR THIS COMMITTEE TO CONSIDER.

21 OUR FIRST REQUEST IS THAT THE ROAD
22 DRIVERS BE COMPENSATED AT THE HOURLY RATE OF PAY AND
23 NOT THE MILEAGE RATE FOR THEIR DRIVING TIME BETWEEN
24 THE RIDGEFIELD AND THE CLEVELAND BUILDINGS. THAT'S
25 CONSIDERED AS ONE FACILITY TO THE BEST OF MY

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1 KNOWLEDGE, BUT THE ROAD DRIVERS ARE DISPATCHED FROM
2 ONE BUILDING TO THE NEXT BUILDING, AND THEY ARE PAID
3 FOUR MILES FOR THE DISPATCH, AND MY DRIVERS BELIEVE
4 THAT IS ONE FACILITY. THEY SHOULD BE PAID BY THE HOUR
5 WHILE THEY ARE THERE.

6 CHAIRMAN SWEETON: RICHMOND TO WHERE?

7 MR. ALEXANDER: EXCUSE ME?

8 CHAIRMAN SWEETON: WHAT'S THOSE LOCATIONS?

9 MR. ALEXANDER: OUT OF BOTH. THE RIDGEFIELD

2007JULY17CHANGEOFOPERATIONS
10 INTO CLEVELAND FACILITIES. RIDGEFIELD BUILDING AND
11 THE CLEVELAND BUILDING ARE FOUR MILES APART.

12 CHAIRMAN SWEETON: COMPANY, HAVE YOU
13 DISCUSSED THIS WITH THE LOCAL UNION?

14 MR. QUINN: YES. WE HAVE. THIS IS QUINN
15 FOR YELLOW TRANSPORTATION. THE POSITION I TOOK WITH
16 THE LOCAL UNION IS TWOFOLD MR. CHAIRMAN.

17 NO. 1, OUR RIDGEFIELD, OHIO AND
18 CLEVELAND, OHIO TERMINALS ARE TWO SEPARATE FACILITIES.
19 ROAD DRIVERS ARE PAID MILEAGE WHEN THEY ARE DISPATCHED
20 BETWEEN THE TWO FACILITIES.

21 ADDITIONALLY, THIS CASE WAS HEARD AS A
22 GRIEVANCE FILED BY LOCAL 355 BEFORE THE MARYLAND D.C.
23 COMMITTEE IN FEBRUARY OF '07, AND THE CLAIM OF THE
24 UNION WAS DENIED. AND I HAVE THE MINUTES OF THAT
25 MEETING.

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1 CHAIRMAN SWEETON: HOW FAR APART ARE THESE
2 TERMINALS?

3 MR. QUINN: FOUR MILES?

4 CHAIRMAN SWEETON: IS THIS ON THE HEAVILY
5 MOVED HIGHWAY?

6 MR. QUINN: IT CAN GO EITHER WAY WITH THE
7 VOLUME WITH THE MARYLAND DRIVER GOING IN THERE,
8 MR. CHAIRMAN.

9 CHAIRMAN SWEETON: SO HE CAN BE HELD UP FOR
10 A PERIOD OF TIME.

11 MR. QUINN: WELL, HE CAN BE DISPATCHED FROM
12 BALTIMORE TO RIDGEFIELD AND THEN END UP BEING

2007JULY17CHANGEOFOPERATIONS
13 REDISPATCHED TO CLEVELAND OR VICE VERSA, EITHER BEFORE
14 OR AFTER HIS REST.

15 CHAIRMAN SWEETON: AND I AM SAYING IN RUSH
16 HOUR TRAFFIC IT COULD TAKE HIM A WHILE TO GET FROM ONE
17 TERMINAL TO THE OTHER.

18 MR. JONES: NO. TRAFFIC IS NOT AN ISSUE.

19 CHAIRMAN SWEETON: UNION.

20 MR. ALEXANDER: I WOULD HAVE TO DEFER TO THE
21 CLEVELAND LOCAL IF THEY CAN TELL ME ABOUT THE TRAFFIC
22 THERE.

23 MR. SMITH: IT IS A SECONDARY ROAD. RUSH
24 HOUR TRAFFIC OBVIOUSLY IS A LITTLE HEAVIER, BUT THE
25 TRAVEL TIME IN THE MIDDLE OF THE NIGHT IS PROBABLY TEN

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1 MINUTES IN RUSH HOUR TRAFFIC, PROBABLY 15.

2 CHAIRMAN SWEETON: THANK YOU.

3 ANY OTHER QUESTIONS?

4 MR. ALEXANDER: YES, SIR. THE OTHER REQUEST
5 IS THAT THE COMPANY BE REQUIRED TO FILL THE VACANT
6 POSITIONS AFTER THE BIDDING PROCESS HAS BEEN
7 COMPLETED. WE ARE GETTING THREE POSITIONS IN
8 BALTIMORE.

9 MR. QUINN: THIS IS QUINN FOR THE COMPANY.

10 IF THEY DO NOT FILL THROUGH THE POOL BID, WE WILL FILL
11 THOSE POSITIONS IN BALTIMORE.

12 CHAIRMAN SWEETON: THANK YOU.

13 MR. ALEXANDER: THAT'S IT.

14 CHAIRMAN SWEETON: THANK YOU.

15 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT

2007 JULY 17 CHANGE OF OPERATIONS
16 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
17 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION 355)
18 JUNE 26, 2007
19
20 ERNIE SOEHL
21 EASTERN REGION FREIGHT COORDINATOR
22 INTERNATIONAL BROTHERHOOD OF TEAMSTERS
23 25 LOUISIANA AVENUE N.W.
24 WASHINGTON, D.C. 20001
25

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1 GARY QUINN
2 DIRECTOR LABOR RELATIONS
3 YELLOW TRANSPORTATION, INC.
4 11001 REAMES ROAD
5 CHARLOTTE, NC 28269
6
7 RE: MULTI-REGION CHANGE OF OPERATIONS
8
9 DEAR SIRS;
10 PLEASE BE ADVISED THAT LOCAL 355 HAS NO
11 OBJECTIONS TO YELLOW TRANSPORTATION MULTI-REGION
12 CHANGE OF OPERATIONS MR-CO-05-07/2007. HOWEVER, WE DO
13 RESERVE THE RIGHT TO SEEK CLARIFICATION ON THE RECORD
14 REGARDING THE ISSUES PREVIOUSLY DISCUSSED WITH THE
15 COMPANY.
16 SINCERELY,
17 /S/ BILL ALEXANDER
18 BILL ALEXANDER

2007JULY17CHANGEOFOPERATIONS
19 BUSINESS REPRESENTATIVE
20
21 CC: LARRY WOLFE - MD/DC SUPPLEMENTAL CHAIRMAN
22
23 "INSIST ON ALL UNION DELIVERIES"
24 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)
25 SERGEANT AT ARMS PERKINS: 592 HAS A LETTER.

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1 MR. MC CAFFREY: 592, I HAVE A LETTER FROM
2 JAMES R. SMITH, PRESIDENT OF LOCAL 592. NO OBJECTION
3 TO THE CHANGE.
4 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
5 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
6 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 592)
7

8 JUNE 28, 2007

9

10 MR. ERNIE SOEHL, EASTERN REGION FREIGHT COORDINATOR
11 25 LOUISIANA AVENUE, N.W.
12 WASHINGTON, DC 20001-2198

13

14 DEAR BROTHER AND SIR:

15

16 THIS IS TO NOTIFY YOU THAT TEAMSTERS LOCAL 592 IN
17 RICHMOND, VA, HAS NO OBJECTION TO THE PROPOSED
18 MULTI-REGION CHANGE OF OPERATIONS BY YELLOW
19 TRANSPORTATION CASE NO. MR-CO-05-07/2007.

20

21 FRATERNALLY,

2007 JULY 17 CHANGE OF OPERATIONS
22 /S/ JAMES R. SMITH, PRESIDENT

23 JAMES R. SMITH, PRESIDENT

24

25 JRS:SC

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1 CC: JOHN FARRISH, CHAIRMAN, VA. STATE COMMITTEE
2 GARY QUINN, YELLOW TRANSPORTATION
3 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)
4 SERGEANT AT ARMS PERKINS: 671 HAS A LETTER.
5 MR. MC CAFFREY: I HAVE A LETTER FROM ROGER
6 FENLASON, BUSINESS AGENT FOR LOCAL 671, WITH NO.
7 OBJECTIONS TO THE CHANGE.
8 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
9 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)

10

11 (DOCUMENT ON THE LETTERHEAD OF UNION NO. 671)

12

13 MR. ERNIE SOEHL, EASTERN REGION FREIGHT DIRECTOR
14 IBT LOCAL 701
15 2003 US ROUTE #130, SUITE B
16 NORTH BRUNSWICK, N.J. 08902

17

18 RE: YELLOW, CHANGE OF OPERATION

19

20 DEAR BROTHER SOEHL,

21

22 THIS IS FORMAL NOTIFICATION THAT TEAMSTERS LOCAL 671
23 HAS NO OBJECTIONS TO THE COMPANY'S PROPOSED CHANGE OF
24 OPERATION PROVIDING ALL QUESTIONS AND CONCERN BY ANY

2007JULY17CHANGEOFOPERATIONS
25 AFFECTED LOCAL ARE SATISFACTORILY ADDRESSED ON THE

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1 RECORD AND THE CHANGE IS OPERATED IN COMPLIANCE WITH
2 ALL NATIONAL AND SUPPLEMENTAL LANGUAGE OF THE
3 CONTRACT.

4

5 FRATERNALLY,

6 /S/ ROGER D. FENLASON

7 BUSINESS AGENT

8

9 CC: N. PICARELLO

10

11 VIA: FAX: (732)821-6233

12 (913)266-4195

13 US POSTAL SERVICE

14 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

15 SERGEANT AT ARMS PERKINS: LOCAL 822.

16 MR. MC CAFFREY: I HAVE A LETTER FROM JAMES
17 WRIGHT, PRESIDENT OF LOCAL 822, WITH NO OBJECTIONS TO
18 THE CHANGE.

19 CHAIRMAN SWEETON: THANK YOU, KEVIN.

20 MR. MC CAFFREY: YOU ARE WELCOME.

21 (THE FOLLOWING DOCUMENT WAS PROVIDED TO THE COURT
22 REPORTER AND HAS BEEN MANUALLY TYPED INTO THE RECORD.)
23 (DOCUMENT ON THE LETTERHEAD OF LOCAL UNION NO. 822)

24 JUNE 21, 2007

25

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1 MR. ERNIE SOEHL
2 EASTERN REGIONAL FREIGHT DIRECTOR
3 INTERNATIONAL BROTHERHOOD OF TEAMSTERS
4 2003 US ROUTE #130, SUITE 724
5 NORTH BRUNSWICK, ILLINOIS 60018
6

7 RE: YELLOW FREIGHT CHANGE OF OPERATIONS

8

9 DEAR MR. SOEHL,

10

11 TEAMSTERS LOCAL UNION NO. 822 HAS NO OBJECTION TO
12 YELLOW FREIGHT'S PROPOSED CHANGE OF OPERATIONS.

13

14 SINCERELY,

15 /S/ JAMES A. WRIGHT

16 JAMES A. WRIGHT

17 PRESIDENT

18

19 JAW/SZR

20 (END OF DOCUMENT PROVIDED TO THE COURT REPORTER.)

21 SERGEANT AT ARMS PERKINS: GOING TO THE
22 SOUTH. LOCAL 480.

23 CHAIRMAN SWEETON: HOLD ON.

24 CO-CHAIRMAN ROBERTS: KEVIN, CAN YOU

25 IDENTIFY WHICH OF THE EASTERN LOCAL UNIONS THAT ARE

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1 GAINING ROAD OPPORTUNITIES HAVE A COMMON SENIORITY
2 LIST. HAS A SINGLE LINE SENIORITY LIST.
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3 MR. JONES: COMPANY CAN.

4 MR. MC CAFFREY: I DON'T KNOW.

5 MR. QUINN: BALTIMORE, MARYLAND IS A
6 SEPARATE LIST.

7 CO-CHAIRMAN ROBERTS: IT IS SEPARATE?

8 MR. QUINN: CORRECT. CHARLOTTE, NORTH
9 CAROLINA IS A SEPARATE LIST. NORFOLK, VIRGINIA IS A
10 SEPARATE LIST. RICHMOND, VIRGINIA IS A NEW DOMICILE
11 BUT WILL BE A SEPARATE LIST. ROANOKE, VIRGINIA IS A
12 SEPARATE LIST. STANTON, VIRGINIA IS A NEW DOMICILE
13 BUT WILL BE A SEPARATE LIST, AND I CANNOT ADDRESS.
14 MIDDLETOWN, CONNECTICUT.

15 MR. MC CAFFREY: THAT IS ONE SINGLE LINE
16 SENIORITY LIST.

17 CO-CHAIRMAN ROBERTS: WHAT LOCAL IS THAT?

18 MR. MC CAFFREY: 671.

19 MR. BOOTHE: AS WELL AS CHARLOTTE, LOCAL
20 175, IS A SINGLE LINE SENIORITY LIST.

21 CO-CHAIRMAN ROBERTS: THANK YOU.

22 CHAIRMAN SWEETON: FRANK.

23 SERGEANT AT ARMS PERKINS: 480.

24 MR. MOTTERN: MR. CHAIRMAN, AFTER MEETING
25 WITH THE COMPANY THIS MORNING CONCERNING THIS LEG

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1 CHANGE FROM KANSAS CITY TO MEMPHIS WITH NO CHANGES IN
2 THE NUMBER OF SCHEDULES, LOCAL 480 HAS NO OBJECTION TO
3 THE CHANGE, BUT I WOULD RESPECTFULLY REQUEST THAT THE
4 COMMITTEE UPHOLD IN THE COMPANY'S PRESENTATION OF THE
5 BIDDING CONCERNING CDL LICENSE INTO THE NATIONAL

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6 DOMICILE BY HOSTLERS AND CARTAGE PEOPLE.

7 CHAIRMAN SWEETON: OKEY DOKE.

8 SERGEANT AT ARMS PERKINS: 728.

9 CHAIRMAN SWEETON: GO AHEAD, SIR.

10 MR. HOBGOOD: MICHAEL HOBGOOD, LOCAL 728. I
11 JUST WANT A COUPLE OF QUESTIONS TO CLARIFY FOR THE
12 RECORD.

13 ARE WE CORRECT IN OUR UNDERSTANDING
14 THAT AFTER THIS CHANGE, COLUMBUS, OHIO WILL NO LONGER
15 HAVE THE PRIMARY AND/OR BIDS TO ATLANTA, GEORGIA?

16 CHAIRMAN SWEETON: COMPANY.

17 MR. COOK: COOK FOR THE COMPANY.

18 POST-CHANGE, THAT IS CORRECT. COLUMBUS WILL NOT HAVE
19 A PRIMARY OR BIDS TO ATLANTA.

20 MR. HOBGOOD: WITH THAT, WE HAVE NO
21 OBJECTIONS TO THE CHANGE.

22 CHAIRMAN SWEETON: THANK YOU.

23 SERGEANT AT ARMS PERKINS: THAT'S IT,
24 MR. CHAIRMAN.

25 CHAIRMAN SWEETON: THANK YOU. EXECUTIVE

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1 SESSION.

2 SERGEANT AT ARMS PERKINS: CLEAR THE ROOM.

3 (EXECUTIVE SESSION.)

4 THE MOTION:

5 MR-CO-05-07/2007

6 (YELLOW)

7

8 MR. CHAIRMAN, I MOVE THE COMPANY'S PROPOSED CHANGE OF
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9 OPERATIONS BE APPROVED AS CLARIFIED AND MODIFIED BY
10 THE PARTIES ON THE RECORD WITH THE FOLLOWING
11 PROVISIONS:

12

13 1. THE COMPANY'S PROPOSED METHOD OF BIDDING
14 WITH THE SIGN-UP SHEETS BEING POSTED AT THE LOSING
15 TERMINALS ON FRIDAY, JULY 19, 2007, AND REMAIN POSTED
16 UNTIL 11:59 P.M., FRIDAY, JULY 27, 2007, WITH THE
17 TELEPHONE BID TO TAKE PLACE ON WEDNESDAY, AUGUST 1,
18 2007, AT 8:00 A.M. CENTRAL DAYLIGHT SAVINGS TIME IS
19 APPROVED. THE DATE OF IMPLEMENTATION SHALL BE
20 SEPTEMBER 16, 2007.

21 2. BECAUSE THIS IS A MULTI-REGION CHANGE OF
22 OPERATIONS, BIDDING INTO GAINING LOCATIONS SHALL BE ON
23 A POOL BID AND EMPLOYEES SHALL EXERCISE THEIR CURRENT
24 BIDDING SENIORITY.

25 3. SUCCESSFUL BIDDERS SHALL BE DOVETAILED ONTO

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1 THE APPROPRIATE SENIORITY LIST AT THE LOCATION THEY
2 BID INTO USING THEIR BIDDING SENIORITY, EXCLUDING
3 HOWEVER, EMPLOYEES BIDDING INTO LOCAL 710
4 DOCK/HOSTLING POSITIONS SHALL BE END-TAILED. IN
5 ADDITION, SHOP EMPLOYEES BIDDING INTO ANY ONE OF THE
6 GAINING SHOP FACILITIES SHALL ALSO BE END-TAILED.
7 LOCAL CARTAGE EMPLOYEES BIDDING INTO CLEVELAND WILL BE
8 SUBJECT TO THE CLEVELAND LOCAL SENIORITY PRACTICES AT
9 THE TIME OF IMPLEMENTATION.

10 4. BOTH ACTIVE AND INACTIVE EMPLOYEES SHALL BE
11 AFFORDED THE OPPORTUNITY TO BID IN ACCORDANCE WITH

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12 THIS DECISION. THE DATE TO DETERMINE NEW HIRES, WHO
13 SHALL NOT BE AFFORDED THE OPPORTUNITY TO BID SHALL BE
14 JUNE 1, 2007.

15 5. QUALIFIED EMPLOYEES WHO ARE ON LONG-TERM
16 DISABILITY (LTD) AT THE TIME OF THE BID SHALL BE
17 AFFORDED THE OPPORTUNITY TO BID AND IN THE EVENT THEY
18 ARE UNABLE TO CLAIM THEIR BID AT THE TIME OF
19 IMPLEMENTATION, THE POSITION THEY BID INTO SHALL BE
20 OFFERED ON A HOLD-DOWN BASIS TO OTHER EMPLOYEES IN THE
21 SAME CLASSIFICATION AT THE AFFECTED LOSING DOMICILE.
22 THE SUCCESSFUL HOLD-DOWN BIDDER SHALL BE DOVETAILED ON
23 THE APPLICABLE SENIORITY LIST AT THE LOCATION THEY BID
24 INTO UNTIL SUCH TIME AS THE LTD BIDDER IS ABLE TO
25 CLAIM HIS BID, AT WHICH TIME THE HOLD-DOWN EMPLOYEE

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1 WILL BE AFFORDED THE OPPORTUNITY TO EITHER RETURN TO
2 THE LOCATION HE BID OUT OF, ON A DOVETAIL SENIORITY
3 BASIS OR REMAIN AT THE HOLD-DOWN LOCATION, IN WHICH
4 CASE HE WILL BE GIVEN A NEW BIDDING AND LAYOFF
5 SENIORITY DATE AS OF THE DATE THE HOLD-DOWN BEGAN BUT
6 SHALL RETAIN HIS PRESENT BIDDING SENIORITY DATE FOR
7 VACATION PURPOSES. EMPLOYEES BIDDING A HOLD-DOWN
8 POSITION SHALL NOT BE ENTITLED TO ANY MOVING OR
9 LODGING EXPENSES AS SET FORT IN ARTICLE 8 SECTION 6 OF
10 THE NMFA UNLESS AND UNTIL SUCH TIME AS IT BECOMES
11 EVIDENT THE LTD EMPLOYEE WILL NEVER RETURN TO WORK, IN
12 WHICH CASE THE HOLD-DOWN BIDDER WILL BE CONSIDERED A
13 SUCCESSFUL BIDDER AT THE TIME OF THE ORIGINAL BID AND
14 SHALL BE ENTITLED TO ALL OF THE PROVISIONS OF THIS

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15 DECISION.

16 6. EMPLOYEES BIDDING INTO AN EASTERN REGION
17 LOCATION THAT HAS SINGLE LINE SENIORITY (COMMON ROAD
18 AND LOCAL CARTAGE SENIORITY LIST) MUST REMAIN IN THE
19 CLASSIFICATION THEY BID OUT OF FOR A PERIOD OF ONE (1)
20 YEAR UNLESS THE NEXT ANNUAL BID AT THAT LOCATION
21 OCCURS AT LEAST NINE (9) MONTHS AFTER THE DATE OF
22 IMPLEMENTATION.

23 7. AN EMPLOYEE WHO HAS BEEN DISCHARGED AND
24 WHOSE DISCHARGE IS PENDING RESOLUTION UNDER THE
25 APPLICABLE PROVISIONS OF THE NMFA AND ITS SUPPLEMENTAL

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1 AGREEMENTS SHALL BE AFFORDED THE OPPORTUNITY TO BID.

2 8. A LOCAL CARTAGE EMPLOYEE
3 (DOCK/CARTAGE/SWITCHER) WHO ELECTS TO BID INTO A
4 GAINING LOCATION WHERE IT IS MANDATORY TO BE CDL
5 QUALIFIED AND WHO IS NOT CDL QUALIFIED, SHALL BE
6 AFFORDED THE OPPORTUNITY, DURING THE SIXTY (60)
7 CONSECUTIVE DAY PERIOD FOLLOWING THE DATE OF
8 IMPLEMENTATION, TO TRAIN TO BECOME CDL QUALIFIED. THE
9 EMPLOYER SHALL PROVIDE APPROPRIATE PERSONNEL AND
10 EQUIPMENT TO TRAIN THE EMPLOYEE AT THE EMPLOYEE'S
11 PRESENT DOMICILE UNLESS OTHERWISE MUTUALLY AGREED TO.
12 IN THE EVENT THE EMPLOYEE FAILS TO BECOME CDL
13 QUALIFIED HE SHALL FORFEIT HIS BID AND REMAIN AT HIS
14 PRESENT DOMICILE.

15 9. IN ORDER TO BID INTO A GAINING OVER-THE-ROAD
16 LOCATION THAT REQUIRES A DRIVER TO BE TRIPLES
17 CERTIFIED, THE DRIVER MUST BE TRIPLES CERTIFIABLE AND

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18 BECOME CERTIFIED AS SOON AS POSSIBLE.

19 10. GAINING SWITCHING AND LOCAL DOCK/CARTAGE
20 POSITIONS SHALL BE BID SIMULTANEOUSLY AT THE TIME OF
21 THE ORIGINAL TELEPHONE BID; PROVIDED HOWEVER,
22 SUCCESSFUL BIDDERS SHALL BE SUBJECT TO THE LOCAL
23 SENIORITY PRACTICES AT THE LOCATION THEY BID INTO FOR
24 PURPOSES OF JOB SELECTION.

25 11. FULL-TIME TEAMSTER OFFICERS, BUSINESS AGENTS

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1 AND ORGANIZERS WHO HAVE SENIORITY RIGHTS TO RETURN TO
2 THE COMPANY, SHALL BE ALLOWED TO BID AND IF SUCCESSFUL
3 MUST CLAIM THAT BID AT THE TIME THEY CEASE TO BE A
4 FULL TIME OFFICER AND/OR BUSINESS AGENT, ORGANIZER OR
5 FORFEIT THEIR BID.

6 12. SOUTHERN MODIFIED SENIORITY SHALL BE
7 EXERCISED IN ACCORDANCE WITH THE SOUTHERN REGION
8 OVER-THE-ROAD NEGOTIATING COMMITTEE'S AGREEMENT OF
9 JULY 27, 1999, AND SHALL BECOME EFFECTIVE AFTER THE
10 GENERAL TELEPHONE BID THAT IS PROVIDED FOR IN THIS
11 DECISION.

12 13. RE-BIDDING AT EACH OF THE AFFECTED LOCATIONS
13 WILL BE CONDUCTED SIXTY (60) DAYS FOLLOWING THE DATE
14 OF IMPLEMENTATION; PROVIDED HOWEVER, WHERE THE SIXTY
15 (60) DAY PERIOD IS NOT NECESSARY THE BIDS WILL BE
16 POSTED AS SOON AS POSSIBLE OR AS OTHERWISE MAY BE
17 MUTUALLY AGREED TO.

18 14. EMPLOYEES TRANSFERRING FROM THE JURISDICTION
19 OF ONE SUPPLEMENTAL AGREEMENT TO THAT OF ANOTHER
20 SUPPLEMENTAL AGREEMENT SHALL NOT LOSE THEIR

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21 ENTITLEMENT TO EARNED VACATION IN ACCORDANCE WITH THE
22 SOUTHERN REGION OVER-THE ROAD LETTER OF UNDERSTANDING
23 RELATIVE TO THIS MATTER AND THAT LETTER OF
24 UNDERSTANDING SHALL BE ATTACHED HERETO AND MADE A PART
25 OF THIS DECISION.

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1 15. MOVING AND LODGING EXPENSES SHALL BE PAID IN
2 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 8 SECTION 6C
3 C) OF THE NMFA; PROVIDED HOWEVER, THE COMPANY'S
4 PROPOSAL TO PAY, ON AN INDIVIDUAL VOLUNTARY BASIS,
5 \$3,500 LESS APPLICABLE TAX WITHHOLDINGS IN LIEU OF
6 LODGING EXPENSES IS APPROVED.

7 16. EMPLOYEES ON LETTER OF LAYOFF AT A GAINING
8 LOCATION SHALL NOT BE ALLOWED TO EXERCISE THEIR
9 SENIORITY TO BUMP A LESS SENIOR EMPLOYEE WHO BIDS INTO
10 THAT LOCATION UNLESS AND UNTIL SUCH TIME HE IS
11 RECALLED TO REGULAR EMPLOYMENT BY LETTER OF RECALL, AT
12 WHICH TIME HE SHALL BE DOVETAILED ON THE ACTIVE
13 SENIORITY LIST.

14 17. THE REQUEST OF THE LOCAL UNION FOR 120 DAY
15 WINDOW PERIOD IS APPROVED.

16 18. IN THE EVENT THE NUMBER OF GAINING POSITIONS
17 DO NOT FILL DURING THE TELEPHONE BID, THE COMPANY IS
18 ADVISED TO MEET WITH THE AFFECTED LOCAL UNIONS TO
19 DETERMINE THE NEED, IF ANY, TO FILL THESE POSITIONS
20 AND THE METHOD BY WHICH ADDITIONAL POSITIONS WILL BE
21 FILLED.

22 19. THE REQUEST OF LOCAL 413 FOR ALL CLASS A
23 MECHANICS TO BE PAID CLASS A MECHANIC RATE REGARDLESS

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24 OF THE POSITION THEY HOLD IS DENIED.

25 20. THE REQUEST OF LOCAL 964 FOR THE HEALTH AND

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1 WELFARE AND PENSION CONTRIBUTIONS BEING MADE ON BEHALF
2 OF EMPLOYEES TRANSFERRING IN INTO THE 964 TRUST IS
3 DENIED.

4 21. HEALTH AND WELFARE AND PENSION CONTRIBUTIONS
5 ON BEHALF OF EMPLOYEES TRANSFERRING UNDER THIS
6 DECISION SHALL BE PAID UNDER THE APPLICABLE HEALTH,
7 WELFARE AND PENSION FUNDS SUCH CONTRIBUTIONS WERE
8 BEING PAID INTO IMMEDIATELY PRIOR TO IMPLEMENTATION.

9 22. THE REQUEST OF LOCAL 355 FOR THE ROAD
10 DRIVERS TO BE PAID THE HOURLY RATE WHEN RUNNING
11 BETWEEN RICHFIELD AND CLEVELAND IS DENIED.

12 23. THE REQUEST OF THE COMPANY TO OFFER 16 OTR
13 POSITIONS IN CHICAGO IS DENIED BASED ON THE STATEMENTS
14 OF THE PARTIES ON THE RECORD THAT NO ROAD WORK IS
15 BEING TRANSFERRED INTO CHICAGO.

16 24. NOTHING CONTAINED HEREIN IS INTENDED TO BE
17 IN VIOLATION OF THE TERMS AND CONDITIONS OF THE NMFA
18 OR ANY OF ITS APPLICABLE SUPPLEMENTAL AGREEMENTS.

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1 REPORTER'S CERTIFICATE

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3 I, JOSEPHINE J. O'BRIEN, C.S.R., NO. 6480, A
4 CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF
5 CALIFORNIA, COUNTY OF ORANGE, DO HEREBY CERTIFY:

6 THAT THE AFOREMENTIONED TRANSCRIPT OF
7 PROCEEDINGS WAS TAKEN DOWN BY ME IN STENOTYPE AND
8 THEREAFTER TRANSCRIBED INTO TYPEWRITING UNDER MY
9 DIRECTION AND SUPERVISION, AND THAT THE FOREGOING IS A
10 TRUE RECORD OF THE PROCEEDINGS TAKEN TO THE BEST OF MY
11 ABILITY.

12 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL
13 NOR RELATED IN ANY WAY TO ANY PARTY OF SAID
14 PROCEEDINGS, NOR OTHERWISE INTERESTED IN THE RESULT OR
15 OUTCOME THEREOF.

16 IN WITNESS WHEREOF, I HAVE HEREUNTO
17 SUBSCRIBED MY NAME THIS 10TH DAY OF OCTOBER 2007.

18

19

20

JOSEPHINE J. O'BRIEN
C.S.R. NO. 6480, RPR
CERTIFIED SHORTHAND REPORTER

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